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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Pay Under the General Schedule

CFR Correction

In title 5 of the Code of Federal Regulations, parts 1 to 699, revised as of January 1, 1993, on p. 284, in § 531.202, paragraph (b) was inadvertently removed and replaced with the text from paragraph (b) of § 531.203. The correct paragraph (b) is reinstated as follows:

§ 531.202 Definitions.

* * * * *

(b) "Agency" has the meaning given that word by section 5102 of title 5, United States Code.

* * * * *

BILLING CODE 1505-01-D

5 CFR Part 575

Recruitment and Relocation Bonuses; Retention Allowances; Supervisory Differentials

CFR Correction

In title 5 of the Code of Federal Regulations, parts 1 to 699, revised as of January 1, 1993, on p. 489, in § 575.201, in the first line, "This subpart provns" is corrected to read "This subpart provides regulations".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Phenylbutazone Paste

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Luitpold Pharmaceuticals, Inc. The NADA provides for a "me-too" oral use of phenylbutazone paste in horses for relief of inflammatory conditions associated with the musculoskeletal system.

EFFECTIVE DATE: May 24, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8617.

SUPPLEMENTARY INFORMATION: Luitpold Pharmaceuticals, Inc., One Luitpold Dr., Shirley, NY 11967, filed NADA 140–958 which provides for a "me-too" oral use of phenylbutazone paste in horses for relief of inflammatory conditions associated with the musculoskeletal system. The drug product consists of a calibrated plastic syringe containing 12 grams (g) of phenylbutazone in 60 g of paste or 6 g of phenylbutazone in 30 g of paste. The drug is administered at a rate of 1 to 2 g of phenylbutazone per 500 pounds of body weight, not to exceed 4 g daily. The NADA is approved as of May 14, 1993, and 21 CFR 520.1720c is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval does not qualify for marketing exclusivity because the application does not contain reports of new clinical or field investigations (other than bioequivalence) essential to the approval and conducted or sponsored by the applicant. This approval of the phenylbutazone paste is based on the demonstration of its bioequivalence with a product finalized under the Drug Efficacy Study Implementation program.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.1720c [Amended]

2. Section 520.1720c *Phenylbutazone paste* is amended in paragraph (b) by adding "010797 and" before "017220".

Dated: May 14, 1993.

Richard H. Teske,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 93–12144 Filed 5–21–93; 8:45 am]

BILLING CODE 4160–01–F

POSTAL SERVICE

39 CFR Part 20

International Customized Mail Service

AGENCY: Postal Service.
ACTION: Final rule.

SUMMARY: The Postal Service, after considering the comments submitted in response to its request in 57 FR 30651 for comments on interim regulations implementing International Customized Mail (ICM) service, hereby gives notice that it is adopting the interim regulations on a permanent basis.

EFFECTIVE DATE: 12:01 a.m., May 21, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Rainer K. Hengst, (202) 268–6095, or Mr. John F. Alepa, (202) 268–2650.

SUPPLEMENTARY INFORMATION: On July 10, 1992, the Postal Service published in the **Federal Register** a document adopting interim regulations implementing International Customized Mail (ICM) service (57 FR 30651). Under the interim regulations, which are contained in Section 290 of the International Mail Manual (IMM), the Postal Service offers ICM service only to customers satisfying specified minimum-volume and mail-origin qualifying criteria. To qualify for ICM service, a customer must be capable of annually tendering at least one million pounds of international mail or paying at least two million dollars in international postage to the Postal Service, and of tendering all of its mail to the Postal Service from a single location.

Both the Postal Service's existing customers and customers of other services providers can qualify for ICM service. The particular service features and postage rate applicable to an individual qualifying mailer are determined through negotiation between the Postal Service and the mailer and set forth in a service agreement. IMM 290 is designed to provide the Postal Service with the ability to provide customer-specific service offerings at rates that comply with all of the statutory requirements that apply to international postal rates.

The Postal Service requested comments on the interim regulations by August 10, 1992. The six comments received by that date were submitted by a large delivery company, a trade association of the Postal Service's competitors in the expedited delivery services industry, a letter shop, a sponsor of seminars in foreign countries, a foreign postal administration, and a large publisher. The delivery company and the trade association objected to the interim regulations for a number of reasons, most notably on the ground that the Postal Service is not authorized to negotiate rates with individual mailers. In contrast, the other four commenters expressed support for the new service, although the letter shop requested that the qualifying criteria be relaxed.

In reviewing the interim regulations, the Postal Service has carefully considered each of the comments received and has also taken into account its experience to date in providing ICM service. Based on that review, the Postal Service has decided to implement IMM 290 on a permanent basis. (This final rule represents the current text of IMM 290. The numbering of the July 10, 1992 (57 FR 30651) interim rule text has been changed to conform with the numbering of current IMM 290. Section 290.32 of the interim rule is 293.k of the final rule).

I. The Postal Service's Authority to Offer ICM Service

As noted above, two of the commenters claimed that the Postal Service is not authorized to offer ICM service. The delivery company asserted that the Postal Reorganization Act (Act), 39 U.S.C. 101–5605, does not permit the Postal Service to set rates by entering into agreements with customers. According to this commenter, the Postal Service is authorized only to set rates for categories of mail users. The trade association, on the other hand, asserted that ICM service is unlawful because no provision of the Act expressly authorizes the Postal Service to negotiate rates with individual mailers. After giving these claims due consideration, the Postal Service concludes that it is authorized to offer ICM service.

Section 401(3) of the Act authorizes the Postal Service "to enter into and perform contracts." Although the Act contains some express limitations on the authority to enter into contracts, *e.g.*, 39 U.S.C. 5402(a), no statutory provision prohibits the Postal Service from entering into contracts with its customers or prevents such contracts from specifying rates and services. Indeed, service agreements for domestic Express Mail Custom Designed service have been available for many years. Domestic Mail Manual 223; Domestic Mail Classification Schedule 500.021 (Appendix to 39 CFR part 3001, subpart C).

That the Postal Service has the authority to negotiate rates for international mail with individual customers is also demonstrated by the plain language of Section 407(a) of the Act, which authorizes the Postal Service to "establish rates of postage or other charges on mail matter conveyed between the United States and other countries." The Act imposes certain requirements on all Postal Service ratemaking, domestic and international.[1] However, there is no statutory provision prohibiting international rates that meet those requirements from being established through agreement between the Postal Service and one or more of its customers.

In addition to the express grants of authority set forth in Sections 401(3) and 407(a), the Act gives the Postal Service "all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers." 39 U.S.C. 401(10). That some particular action is not expressly provided for in the statute does not mean that such an action is unauthorized. If an action is incidental, necessary, or appropriate to carrying out the Postal Service's mission and is not otherwise prohibited or limited by the statute, it is authorized by Section 401(10). The July 10 Federal Register notice establishing ICM service on an interim basis explained cogently why rate and service agreements are necessary and appropriate for the Postal Service to carry out its mission. Consequently, authority to offer ICM service is additionally provided by Section 401(10).

The Postal Service's negotiating rates with individual mailers is also sanctioned by the Universal Postal Union (UPU), the United Nations specialized agency governing international mail. While charges for mail to member countries of the UPU must be authorized by the Universal Postal Convention (UPU Convention),[2] article 20, paragraph 15 of the UPU Convention authorizes reduced rates for large customers:

> Postal administrations may allow reduced charges based on their internal legislation for letter-post items posted in their country. They may, for instance, give preferential rates to major users of the Post. Such preferential rates may not, however, be lower than those applied in the internal service to items presenting the same characteristics (category, quantity, handling time, etc).

In sum, the plain words of both the Act and the UPU Convention authorize

[1] For instance, under Section 403(c), rates must not be unduly or unreasonably discriminatory or preferential.

[2] "No postal charge of any kind may be collected other than those provided for in the Convention and Agreements." UPU Convention, art. 8.2 (Washington 1989).

negotiated rate agreements under proper conditions.

In addition to claiming that the Postal Service lacks the authority to offer ICM service, the two commenters asserted that any rate implemented pursuant to IMM 290 would be unlawful because all international rates must be either (1) reviewed by the Postal Rate Commission, or (2) approved by the President. This assertion, too, is unfounded.

The issue of whether the Postal Service is required to submit international rates to the Rate Commission was recently litigated in *Air Courier Conference of America* v. *U.S. Postal Service*, 959 F.2d 1213 (3d Cir. 1992). In that case, the court unanimously concluded that the Rate Commission does not have jurisdiction over international rates. Looking to the plain language of the Act, the court concluded that the Postal Service's Section 407 authority to "establish the rates of postage or other charges on mail matter conveyed between the United States and other countries" comes within the express exception to Section 3621 of the Act. That exception states that "except as otherwise provided, the Governors [of the Postal Service] are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of [chapter 36 of the Act]." 959 F.2d 1221.

Whether international rates must be approved by the President is an issue that has never been formally raised. One of the commenters simply asserted, without supporting reasoning, that international rates must be approved by the President. The other commenter asserted that the Postal Service is merely authorized to institute international rates that it has negotiated with foreign governments when those rates are contained in a postal convention that has been approved by the President. These assertions are at odds with the way in which international postage rates have been established for the past 70 years.

It is true that when specific rates are contained in a postal convention, the Postal Service has no discretion to establish other rates. When a convention contains specific rates, there is no opportunity for the Postal Service to establish any rates as the convention has done that already. It is for those instances where a convention does not establish international rates that the Postal Service is given authority to establish them. These can include instances where a convention either sets maximum or minimum rates or authorizes a charge without indicating its magnitude. They can also include instances where there is no convention in force between the United States and the country with which mail is being exchanged, as is now the case with Taiwan, South Africa, and many of the republics of the former Soviet Union and Yugoslavia. Since the 1920s, when discretion in setting rates was introduced into the UPU Convention, there has been no instance where international rates have been submitted to the President for approval.

This practice is consistent with the plain language of Section 407(a) of the Act, which provides in pertinent part:

> The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

This section grants the Postal Service two very different powers. First, the Postal Service is authorized to negotiate and to conclude postal treaties or conventions. Second, the Postal Service is authorized to establish international rates. As can be seen, a comma separates the clause pertaining to treaties or conventions from the clause pertaining to establishment of rates. If the phrase "with the consent of the President" were intended to apply to both of these clauses, no comma would have been required. Indeed, if the phrase "with the consent of the President" were intended to apply to both the treaties or conventions clause and the rate establishment clause, insertion of a comma would have been improper.

Moreover, there is a qualitative difference between the two authorizations that warrants the interpretation that the phrase "with the consent of the President" applies only to the treaties-or-conventions clause. When the Postal Service concludes a postal treaty or convention, it does not simply bind itself. A treaty or convention is entered into on behalf of the United States Government and is binding on the United States Government under international law. Because the Postal Service is acting on behalf of the United States, it makes sense that it should obtain the consent of the President, who is generally charged with directing foreign affairs. In contrast, establishing postage rates does not bind the United States Government. There is no reason for the President to be involved.

No sound reason has been given for the Postal Service to change its and the former Post Office Department's longstanding interpretation of the law as not requiring Presidential approval of international rates. Accordingly, the Postal Service concludes that it is not required to submit ICM rates to the President for approval.

The two commenters also contended that the Postal Service must comply with the Administrative Procedure Act (APA) in establishing international rates. The Postal Service does not agree. Section 410(a) of the Act provides, in pertinent part:

> Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

This section exempts the Postal Service from the APA except as otherwise provided. The exceptions are listed in Section 410(b), which makes sections 552, 552a, and 552b applicable, and 3001(f), which makes chapters 5 and 7 applicable to proceedings under chapter 30 concerning mailability and false representations. Nowhere does the Act mention that the APA applies to international ratemaking. Accordingly, the APA does not apply. See *National Easter Seal Society* v. *Postal Service*, 656 F.2d 754 (DC Cir. 1981).

II. IMM 290's Qualifying Criteria

The Postal Service offers ICM service only to a customer satisfying both the minimum-volume and mail-origin qualifying criteria set forth in IMM 290. First, the customer must be capable, on an annualized basis, of either (1) tendering at least one million pounds of international mail to the Postal Service, or (2) paying at least two million dollars in international postage to the Postal Service. Second, the customer must be capable of tendering all of its ICM mail to the Postal Service from a single location.

Two commenters objected to the interim regulations' qualifying criteria. The delivery company claimed that the criteria mean that lower rates will be "extended to a mailer based solely on the identity of the mailer and not on the basis of actually realized cost savings." In contrast, the letter shop, while expressing support for ICM service, argued that IMM 290's qualifying criteria are too strict. After giving these claims due consideration, the Postal Service concludes that the qualifying criteria should not be changed.

The delivery company's critique of the qualifying criteria came in the context of a general attack on the ICM

program. This commenter asserted that the program will benefit only those mailers that use ICM service. According to this commenter, if the Postal Service negotiates ICM rates with mailers of relatively low-cost items, mailers of relatively high-cost items will be the only mailers left paying published rates. As the average cost for non-ICM mail will thereby increase, this commenter continued, the Postal Service will be forced either to accept a lower contribution to fixed costs or to increase published rates.[3] The delivery company objected to IMM 290's qualifying criteria on the ground that they exacerbate this situation by making ICM rates available to mailers capable of providing the Postal Service with cost savings regardless of whether the Postal Service actually realizes such cost savings.

The delivery company's remarks misrepresent both how the ICM program affects non-ICM customers and the purpose of the qualifying criteria. As explained in the July 10 Federal Register notice, the Postal Service has found it increasingly difficult to compete effectively against other providers of international hard copy communications and parcel delivery services. IMM 290 is intended to provide the Postal Service with the pricing flexibility necessary to attract new business customers and to keep existing business customers at rates that accurately reflect the Postal Service's costs of delivering the customer-specific mail volumes.

Notwithstanding the scenario painted by the delivery company, the ICM program should not cause any customers to pay higher rates than they would without the program. First, there is no reason to believe that the program will result in the cannibalization of the Postal Service's other international services. As this commenter itself recognizes, in addition to serving existing customers better, the Postal Service is trying to attract customers that currently use its competitors and would not otherwise use the Postal Service for their international mailings. If the Postal Service is successful, the additional volume will come from competitors, not from the Postal Service's other international services. Consequently, there is no basis for the delivery company's assertion that the average cost for non-ICM mail will increase.

Indeed, rather than harming customers that use the Postal Service's other services, the ICM program benefits them by decreasing the total revenues that the Postal Service needs to recover from them. As stated in the July 10 **Federal Register** notice, the Postal Service will not enter into an ICM service agreement unless it reasonably believes at the time that the rates will generate revenues greater than costs. The ICM program thus makes all of the Postal Service's customers better off because the additional business generated not only covers the extra variable costs it causes, but also enables the Postal Service to recover its fixed costs from a larger base of customers. This is true regardless of how the unit revenue realized from ICM customers compares to the unit revenue realized from non-ICM customers.

The delivery company's objection to IMM 290's qualifying criteria also does not stand up to scrutiny. The delivery company asserted that the criteria are too loose because a customer can qualify for ICM service merely by being capable of tendering a large volume of international mail from a single location, regardless of whether the customer actually does so. Instead, according to this commenter, the criteria should allow a customer to qualify only when the Postal Service actually realizes cost savings from delivering the customer's mail.

The delivery company's objection is based on two premises. First, this commenter is of the view that the Postal Service can offer ICM service only when it can realize cost savings. Second, this commenter believes that the proper function for IMM 290's qualifying criteria to perform is to distinguish between mailers of relatively low-cost items and mailers of relatively high-cost items. Neither of those premises is correct.

The Postal Service's authority to negotiate international rates is circumscribed only by the statutory requirements applicable to all Postal Service ratemaking. As long as it complies with those requirements, the Postal Service's ability to compete for customers is similar to that enjoyed by other providers of international hard copy communications and parcel delivery services. This means that the Postal Service can exercise a significant amount of discretion when choosing to which customers it will offer ICM service. For now, the Postal Service has decided that customers of a certain size represent the most promising market.

As discussed in detail in the July 10 **Federal Register** notice, IMM 290's qualifying criteria were selected in order to maximize the beneficial effects of flexible pricing. Requiring an ICM user to be capable of generating a substantial amount of international mail allows the Postal Service to focus its marketing efforts on the large business customers that collectively make up the most competitive market for international hard copy communications and parcel delivery services. Requiring an ICM user to be capable of concentrating all of its international mail at a single origin similarly makes flexible pricing more cost-effective by improving the Postal Service's ability accurately to determine costs on an individualized, rather than aggregated, basis.

The qualifying criteria also serve to limit the universe of potential ICM users to a manageable size. Nevertheless, once a customer demonstrates that it can satisfy the qualifying criteria, the Postal Service is obliged to make ICM service available to the customer. Of course, given the highly competitive nature of this industry, the Postal Service may be unable or unwilling to offer the customer a rate that is low enough to induce it to enter into an ICM service agreement. For instance, the Postal Service's anticipated costs to deliver the customer's mail may be relatively high due to the destination countries or type of mail involved.

Although the opportunity to realize cost savings may influence the rate that the Postal Service offers a particular customer, it is not dispositive of the issue of whether that customer should qualify for ICM service in the first place. The delivery company does not appear to recognize this. Consequently, its assertion that IMM 290's qualifying criteria should focus on cost savings is misplaced.

In contrast to the delivery company, the letter shop took the position that IMM 290's qualifying criteria are too strict. This commenter explained that it does not currently generate enough international mail to qualify for ICM service, even through it has the production and transportation capabilities necessary to meet the one-million-pounds-or-two-million-dollars threshold. According to this commenter,

[3] The delivery company's comments in this regard read as follows:

The uniform international rates currently in effect are based on a mix of volume which contains both relatively higher cost mail and relatively lower cost mail. If the Postal Service negotiates lower rates with individual mailers who tender allegedly lower cost mailings, the unit revenue generated from those mailers will of course decrease. But the cost of those mailings on which the current uniform rates are based will not decrease. Instead, the average cost for non-contract mail will increase. However, there will be no increase in unit revenue from allegedly higher cost mailers to make up for the lower contract rates since the non-contract rates paid by higher cost mailers will not change. Under these circumstance, the contribution to fixed costs will decrease. On the other hand, if the uniform rates available to mailers who cannot avail themselves of negotiated rates are increased, then the Postal Service's justification that individually negotiated rates will benefit non-contract mailers as well as contract mailers will not be the case.

its inability to qualify places it at a competitive disadvantage to letter shops that can meet the threshold: qualifying letter shops are able to charge their competitors discounted postage rates that they have negotiated with the Postal Service, while the commenter has no choice but to charge published rates.

In order to solve this alleged problem, the letter shop recommended that the Postal Service make three changes to IMM 290's qualifying criteria. First, this commenter suggested that the Postal Service apply the threshold to the customer's combined domestic, international, and foreign mail volume, rather than simply to the customer's international mail volume. Second, this commenter suggested that the Postal Service replace the one-million-pounds-or-two-million-dollars threshold with a one-million-pieces threshold. Third, the letter shop suggested that the Postal Service waive the qualifying criteria for a customer performing worksharing that reduces the Postal Service's costs to deliver the customer's international mail and/or enhances the marketability of the Postal Service's international products.[4]

The Postal Service notes that each of these changes would significantly relax IMM 290's qualifying criteria. As discussed in the July 10 **Federal Register** notice, the Postal Service recognized that it had to impose some size-related criterion on ICM eligibility. The Postal Service determined that a one-million-pounds-or-two-million-dollars threshold provided the proper balance between the Postal Service's need to be able to focus its marketing efforts in a cost-effective manner and its desire to offer ICM service to a wide range of customers. Based on its experience to date in operating the ICM program, the Postal Service believes that IMM 290's qualifying criteria have served the intended purpose and, therefore, should not be changed.

The Postal Service also is unwilling to relax the qualifying criteria because the premise underlying the letter shop's comments—that the one-million-pounds-or-two-million-dollars threshold will enable its larger competitors to corner the market—is misplaced. This commenter apparently misunderstands the function of the qualifying criteria. Offering ICM service is intended to improve the Postal Service's ability to compete for large business customers. However, whether or not a particular customer qualifies for the service depends on the characteristics of that customer's international mail, not on that customer's size. Even a relatively small customer can qualify if it becomes capable of tendering a sufficient amount of international mail to the Postal Service.

ICM service is available only to a customer that is capable of meeting the threshold with actual, rather than speculative, international mail. Therefore, how the qualifying criteria apply depends in large part on the source of the mail in question. In the case of a customer that originates international mail, such as a publisher or a mail order company, there are two ways for the customer to demonstrate its ability to satisfy the threshold. First, the customer can provide the Postal Service with historical data relating to the customer's international mailings during the previous year. Alternatively, the customer can provide the Postal Service with reliable information about the customer's planned international mailings during the upcoming year. In both instances, the customer possesses the information necessary for the Postal Service accurately to determine the costs of delivering the customer's mail. As the customer itself will be executing the ICM service agreement, whether the customer arranges for the delivery of its mail directly through the Postal Service or through an agent is immaterial.

In contrast, it is much more difficult for a customer that acts as a mailing agent but does not originate its own international mail, such as a consolidator or a letter shop, to qualify for ICM service. As an agent, the customer has little or no control over the size, shape, weight, destination, or other characteristics of the mail that it receives from its clientele and for which it arranges delivery. As a result, the customer in all likelihood does not possess the information necessary for the Postal Service accurately to determine the costs of delivering such mail. In light of that deficiency, the customer can demonstrate its ability to satisfy the one-million-pounds-or-two-million-dollars threshold only by providing the Postal Service with reliable information about the international mail that the customer is assured of receiving from its clientele during the upcoming year. For example, if the customer has executed delivery contracts with publishers that collectively originate enough international mail to satisfy the threshold, the customer can provide the Postal Service with copies of those contracts along with related data obtained from the publishers.

As the above discussion makes clear, there is no reason for the letter shop commenter to fear being placed at a competitive disadvantage by IMM 290's qualifying criteria. Whether a particular letter shop qualifies for ICM service is not a function of current size. Rather, a letter shop must be in a position to provide adequate guarantees of both the amount and the characteristics of the international mail that it will be tendering to the Postal Service. This commenter's ability to attract the new business necessary for it to qualify is no different from its larger competitors. Therefore, except to the extent that they receive international mail from its originators pursuant to contracts not due to expire for at least a year, this commenter's larger competitors have no advantage when it comes to qualifying for ICM service.

III. Other Comments

The trade association and the delivery company attacked the ICM program on several other grounds in addition to those discussed above. The trade association claimed that IMM 290 does not specify any pricing or costing guidelines, and that the July 10 **Federal Register** notice did not define the cost coverage goal for ICM. Based on those purported shortcomings, this commenter asserted that "the notice raises the specter that the pricing of ICM services will be below cost, predatory and fueled by subsidies from the domestic first class monopoly." This commenter also asserted that interested parties will have to engage in "piecemeal litigation" in order to prevent the Postal Service from violating its "statutory pricing strictures."

The delivery company, on the other hand, attacked the ICM program on the ground that "[t]he negotiation of customer-specific rates readily leads to rate discrimination, which is prohibited by Section 403(c) of the [Act]." This commenter contended that the only way that the Postal Service can avoid discrimination is to make all rates universally available to all mailers.

The Postal Service believes that these attacks are unwarranted. The Postal Service has designed the ICM program to ensure that the rates negotiated with customers comply with all of the statutory requirements that apply to international postal rates.

As noted above, the Postal Service stated in the July 10 **Federal Register** notice that it will not enter into an ICM service agreement unless it reasonably

[4] As an illustration of customer worksharing that would enhance the marketability of the Postal Service's products, the letter shop offered the example of mailers that are able to containerize their mail and then deliver it directly to the air carriers' facilities. According to the letter shop, the improved speed of delivery made possible by the mailers' worksharing would make the Postal Service's international services more attractive to other potential customers.

believes at the time that the rates will generate revenues greater than costs. The Postal Service also has explicitly recognized its responsibility under Section 403(c) to ensure that ICM rates are not unduly or unreasonably discriminatory or preferential. As stated in the July 10 notice, the Postal Service will make every ICM service agreement available to similarly situated customers under substantially similar circumstances and conditions. Therefore, contrary to these two commenters' assertions, the ICM program does not represent a means for the Postal Service to attempt to avoid statutory requirements. ICM rates are no different from other international rates in this regard.

Since the Postal Rate Commission does not have jurisdiction over international rates, the Postal Service's competitors cannot challenge ICM or any other international rates in that forum. However, the Postal Service's competitors can seek judicial review of ICM rates just like they can seek judicial review of other international rates. Consequently, the Postal Service fails to understand the trade association's assertion that the ICM program is flawed because the Postal Service's competitors will have to resort to litigation in order to challenge ICM rates.

In contrast to the trade association and the delivery company, the other four commenters expressed support for the ICM program. The foreign postal administration asserted that IMM 290 "will give [the Postal Service] the tools to deal with a highly competitive environment." The seminar sponsor and the letter shop both noted that they would welcome the opportunity to negotiate rates based on identifiable cost savings, while the letter shop added that it would also like to negotiate rates based on increased national volume. Finally, the publisher strongly endorsed the program: "By focusing on the long-term, total contribution an individual mailer can make toward the Postal Service's fixed institutional costs, these new regulations [IMM 290] correctly highlight customer responsiveness and provide overdue incentives to retain and grow overall mail volume. . . . We regard the establishment of ICM service as a watershed event for the Postal Service."

The support for the ICM program expressed by these four commenters and by other international mailers that have contacted the Postal Service since it implemented the program indicate that customers view ICM service as a long-awaited and valuable addition to the Postal Service's WORLDPOST product line.

IV. Conclusion

In setting international postage rates, the Postal Service must ensure that such rates (1) do not apportion the costs of the service so as to impair the overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. Due to the manner in which they are set, ICM rates will satisfy these criteria.

Accordingly, the Postal Service hereby adopts IMM 290 on a permanent basis. This change shall take effect at 12:01 a.m., on May 21, 1993.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 37 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The addition of section 290, as revised below, to Chapter 2 of the International Mail Manual is adopted as final.

CHAPTER 2—CONDITIONS FOR MAILING

* * * * *

290 International Customized Mail

291 Description. International Customized Mail (ICM) service is an international business mail service that is available only pursuant to an ICM service agreement between the Postal Service and a mailer meeting the requirements in 292. The Postal Service provides ICM service, on a mailer-specific basis, pursuant to the terms and conditions stipulated in a particular ICM service agreement.

292 Qualifying Mailers. To qualify for ICM service, a mailer must be capable, on an annualized basis, of either (1) tendering at least 1 million pounds of international mail to the Postal Service, or (2) paying at least 2 million dollars in international postage to the Postal Service. The mailer must also be capable of tendering all of its ICM mail to the Postal Service from a single location.

293 ICM Service Agreements.

Each ICM service agreement must set forth the following:

a. The term of the agreement, including any renewal options.

b. The type of mail to be tendered by the mailer.

c. The destination country or countries.

d. The services to be provided by the Postal Service, including any speed-of-delivery targets.

e. Minimum volume commitments for each service.

f. Postage and method of payment.

g. Weight and size limits.

h. Preparation requirements.

i. Makeup requirements.

j. Any other obligations of either party.

k. The location from which the mailer is required to tender its items to the Postal Service.

294 Postal Bulletin Notifications.

Within 30 days of entering into an ICM service agreement, the Postal Service must publish the following information about the agreement in the Postal Bulletin:

a. The term of the agreement, including any renewal options.

b. The type of mail involved.

c. The destination country or countries.

d. A brief description of each of the services to be provided by the Postal Service.

e. Minimum volume commitments for each service.

f. A brief description of any worksharing to be performed by the mailer.

g. The agreed-upon rate for each service at the volume level committed to by the mailer.

* * * * *

A transmittal letter making the changes in the pages of the International Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 20.3.

Stanley F. Mires,

Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[WI 14–1–5279; FRL–4532–7]

Designation of Areas for Air Quality Planning Purposes: Wisconsin; Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Milwaukee Sulfur Dioxide Maintenance Plan and Redesignation Request

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: A dispersion modeling analysis and ambient air quality data from 1980 to 1991 indicate that the Milwaukee sulfur dioxide (SO_2) nonattainment area has attained the National Ambient Air Quality Standard (NAAQS) for SO_2. Additionally, in accordance with the Clean Air Act Amendments of 1990, the State of Wisconsin has submitted a maintenance plan for SO_2 which projects continued attainment of the SO_2 NAAQS in the Milwaukee area. USEPA is approving in this notice: the Milwaukee SO_2 maintenance plan as a revision to the State Implementation Plan (SIP) to achieve air quality standards in the State of Wisconsin and the Milwaukee Sulfur Dioxide redesignation request. USEPA's action is based upon a redesignation request which was submitted by the State of Wisconsin on May 12, 1986, and a maintenance plan SIP revision which was submitted on June 12, 1992. The intended effects of this action are to approve the Milwaukee maintenance plan as a SIP revision and to redesignate a portion of Milwaukee County from nonattainment to attainment of the primary national ambient air quality standards for sulfur dioxide.

DATES: These actions will be effective on July 23, 1993 unless notice is received by June 23, 1993 that someone wishes to submit adverse or critical comments. Such notice may be submitted to Carlton Nash at the USEPA Regional Office address listed below. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

ADDRESSES: Copies of the State submittal and USEPA's technical analysis for this action are available for public inspection during normal business hours at the following address: (It is recommended that you telephone Patrick D. Dolwick at (312) 886–6053, before visiting the Region 5 Office). U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), Region 5, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Patrick D. Dolwick, Air Toxics and Radiation Branch, Regulation Development Section (AT–18J), Region 5, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6053.

SUPPLEMENTARY INFORMATION:

I. Background Information

Based on monitored violations of the primary sulfur dioxide NAAQS in 1979 and the State's request to redesignate, the United States Environmental Protection Agency (USEPA) designated a sub-city area of Milwaukee, Wisconsin, located in Milwaukee County as a primary nonattainment area for SO_2 on October 10, 1980. As a result, the State revised its SO_2 SIP to control the emissions that precipitated the violations in Milwaukee. On May 12, 1986, the Wisconsin Department of Natural Resources (WDNR) requested USEPA to redesignate this portion of Milwaukee County from nonattainment to attainment of the primary SO_2 NAAQS.

The nonattainment area in Milwaukee is defined in title 40, Chapter 81.350 of the Code of Federal Regulations. The area is bounded by the intersection of Capitol Drive with the Milwaukee River, south to the intersection of the Milwaukee River and St. Paul, west to the corner of St. Paul and 16th Street, south to the corner of 16th Street and Pierce, east to the corner of Pierce and 6th Street, and south to the corner of 6th Street and Becher Street. The entire nonattainment area is bounded on the east by Lake Michigan.

USEPA proposed on May 24, 1990 (55 FR 21390) to disapprove this redesignation request because Milwaukee County, Wisconsin did not have an adequate, fully approved SO_2 SIP for the area at that time. USEPA has since approved in final the Wisconsin Statewide SO_2 Rules. The final federal approval of these rules results in an adequate, fully approved SO_2 SIP for the nonattainment portion of Milwaukee County. As a result, USEPA is approving the redesignation request in today's final rulemaking. A technical support document dated June 18, 1992, is available to provide a more detailed discussion of this action.

II. Review of State Submittals

A. Maintenance Plan

Section 107(d)(3)(E) of the amended Act stipulates that for an area to be redesignated from nonattainment to attainment the State must submit, in accordance with section 175A of the Act, a maintenance plan for any area that the State requests be redesignated. This plan must provide for maintenance of the standard for at least ten years from the anticipated date of redesignation. Eight years after the redesignation date, the State will be required to revise its SIP to provide for maintenance in the affected area for an additional ten year period. According to USEPA guidance as outlined in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498), the maintenance plan consists of three basic components: an emission inventory, a maintenance demonstration, and contingency measures. USEPA redesignation policy (as outlined in a September 4, 1992, memorandum from John Calcagni, Director, Air Quality Management Division to the Regional Air Division Directors) lists five core provisions that a plan must contain in order to ensure maintenance of the standards: an attainment inventory, a maintenance demonstration, a monitoring network, verification of continued attainment, and a contingency plan.

1. Attainment Inventory

As part of its maintenance plan, the State must develop an attainment emission inventory to identify the level of emissions in the area at the time of attainment. The plan submitted by WDNR details the allowable and 1985–1990 actual emissions from the three SO_2 sources in the Milwaukee nonattainment area. This emission inventory was prepared in accordance with USEPA's guidance on inventories. Since the State has made an adequate demonstration that air quality has improved as a result of the SIP (as will be discussed in subsequent paragraphs), the attainment inventory for Milwaukee will be the actual inventory for 1990. This year had the highest total of SO_2 emissions without an exceedance of the NAAQs: 14184.67 tons per year.

2. Maintenance Demonstration

According to USEPA redesignation policy, a State may generally demonstrate maintenance of the

NAAQS by either showing that (1) future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or (2) by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. The Milwaukee plan demonstrates attainment by using the first approach. WDNR provided assurance in its plan that the source responsible for over 90 percent of the emissions in the Milwaukee nonattainment area (Wisconsin Electric Power Company—Valley Generating Station) will not increase its SO_2 emissions beyond the attainment inventory. As such, the State is not expecting significant growth in SO_2 in the ten years of the maintenance plan.

3. Monitoring Network

Once an area has been redesignated, the State should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The maintenance plan for Milwaukee contains provisions for continued operation of air quality monitors that will provide such verification. WDNR operates two State and Local monitoring system (SLAMS) SO_2 monitors in the Milwaukee area and has committed to continued operation of these sites.

4. Verification of Continued Attainment

Each State should ensure in its maintenance plan that it has the legal authority to implement and enforce all measures necessary to attain and to maintain the NAAQS. One such measure is the acquisition of ambient and source emission data to demonstrate attainment and maintenance. USEPA redesignation policy requires the State to indicate in its maintenance plan how the attainment status of the area will be tracked. The Milwaukee plan relies on WDNR's authority under a number of State rules to require the annual reporting of emissions information. The State pledged to track the progress of the Milwaukee SIP every year through the updating of the emissions inventory. WDNR also has the ability under its new source permitting program to account for changes in the area's total emissions that arise from new SO_2 sources that locate in the Milwaukee Area.

5. Contingency Plan

Section 175A of the Act requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. Unlike their counterparts required by section 172(c)(9), the maintenance plan's contingency measures are not required to take effect without further action from the State or USEPA. In the plan submitted by WDNR, the State will rely upon its authority under State law to promptly correct any violation of the NAAQS. Upon determining source culpability, the State will either: (1) Enforce the emission limit violation(s) that caused the exceedance of the NAAQS or (2) prepare administrative orders and/or a revision of the existing State Implementation Plan if the existing SIP was insufficient to attain the standards. As noted in the General Preamble, for SO_2 programs, USEPA interprets "contingency measures" to mean that the State agency has a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement, including expedited procedures for establishing enforceable consent agreements pending the adoption of revised SIPs. Therefore, USEPA has determined that the maintenance plan's contingency provisions, as well as the plan itself, are adequate to ensure the SO_2 standards in Milwaukee.

B. Redesignation Request

According to section 107(d)(3)(E) of the Clean Air Act, 42 U.S.C.A. 7407, as amended by the Clean Air Act Amendments of 1990, (West 1983 & Supp. 1991) (CAA), USEPA may not promulgate a redesignation of a nonattainment area to attainment unless the following five conditions are satisfied:

(1) The Administrator has determined that the area has attained the NAAQS;

(2) The Administrator has fully approved the applicable implementation plan for the area under section 110(k);

(3) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(4) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and

(5) The State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

The Wisconsin redesignation request for the Milwaukee sub-city nonattainment area meets the five requirements of section 107(d)(3)(E). The following is a description of how the State's request has fulfilled each of these CAA requirements.

1. Attainment of the SO_2 NAAQS

The nonattainment designation for the Milwaukee area was based on, in total, six violations of the 24-hour primary SO_2 standard between 1977 and 1979. The highest 24-hour concentration recorded was 608 micrograms per cubic meter. Monitoring data submitted by the WDNR show that there have been no monitored violations of the ambient SO_2 standards in the Milwaukee area since 1979. USEPA redesignation policy requires that at least eight consecutive quarters with no violations be achieved before an area can be redesignated to attainment. The ambient data in Milwaukee support the redesignation of this area.

Along with the redesignation request, a dispersion modeling analysis was submitted that shows that the primary and secondary SO_2 NAAQS will not be violated with all facilities in the area operating at the SIP-allowable limits that were approved in 1989. The State's modeling analysis which showed attainment of the NAAQS at the SIP limits used the RAM model and was conducted in accordance with USEPA modeling guidance. The modeling analysis assumed maximum potential emissions from 69 SO_2 sources in Milwaukee.

2. Fully Approved SIP

Upon notification of the original nonattainment designation, WDNR developed a strategy to ensure attainment of the SO_2 standard in Milwaukee by December 31, 1987. This revision to the Wisconsin SIP was submitted to USEPA on January 23, 1984, and was approved in final by USEPA on September 6, 1989. The SIP revision consisted of regulations (NR 418.04, Wisconsin Administrative Code) that were effective in Milwaukee as of November 9, 1985.

The Milwaukee SO_2 reasonably available control technology (RACT) rules (NR 418.04) focused on setting emission limitations for a large electric utility source in Milwaukee that had been responsible, in part, for the ambient air quality violations. Meanwhile, on April 26, 1984, USEPA notified the Governor of Wisconsin that the Wisconsin SO_2 SIP was inadequate to ensure protection of the primary and secondary NAAQS. WDNR responded to this notice of SIP deficiency with numerous rules and Administrative Orders as a revision to its Statewide SIP. WDNR submitted an Administrative

Order for the University of Wisconsin-Milwaukee (UWM) to USEPA as a source-specific SIP revision to the Wisconsin SIP on October 2, 1986. USEPA proposed to disapprove WDNR's redesignation request on May 24, 1990, because this source-specific SIP revision had been included as part of Wisconsin's Statewide SO_2 Rules SIP revision package, which had not yet undergone final rulemaking. For that reason, an adequate, fully approved SIP had not been in place for the Milwaukee County nonattainment area prior to the approval of the Statewide SO_2 Rules.

The May 24, 1990, notice of proposed rulemaking noted that if USEPA ultimately approved Wisconsin's Statewide SO_2 Rules, the State might wish to request again the redesignation of the county to attainment based upon the redesignation criteria applicable at that time. Rather than doing so, WDNR elected to request USEPA to withhold the final rulemaking on this redesignation until the Statewide SIP revision had undergone final rulemaking. In that notice, USEPA is approving the source-specific SIP revision for UWM. As a result of the final rulemaking on the Statewide rules, an adequate fully approved SIP is now in place in Milwaukee County and the redesignation request can be approved.

3. Air Quality Improvement From Permanent and Enforceable Emissions Reductions

USEPA approved the control strategies contained within Wisconsin's SIP revisions for the Milwaukee SO_2 nonattainment area on September 6, 1989 (54 FR 36965), and also in the final rulemaking on Wisconsin's Statewide SO_2 Rules. Thus, the emission reductions achieved as a result of those rules are federally enforceable. Additionally, the regulations have no expiration date and are therefore permanent.

4. A Fully Approved Maintenance Plan

WDNR submitted a maintenance plan for the Milwaukee SO_2 nonattainment area on June 12, 1992. This maintenance plan satisfies the requirements of section 175A of the CAA, 42 U.S.C.A. 7505(a), as was discussed in section 2a of this notice and reviewed below.

Section 175A provides that a maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the area is redesignated. Section 175A also requires that each maintenance plan contain contingency provisions necessary to assure that the State will promptly correct any violation of the NAAQS which may occur after redesignation of the area to attainment.

The maintenance plan submitted by WDNR contains an attainment emissions inventory which identifies the level of emissions in the Milwaukee nonattainment area at the time of attainment. The submitted plan lists the actual emissions of the three significant sources of SO_2 in the Milwaukee nonattainment area for 1985 to 1990. The plan compared these emissions to the allowable emissions for each facility according to the SIP. The actual emissions were at most, in any of the six years, only 30 percent of the allowable emissions. The plan then demonstrates maintenance of the NAAQS by showing that the future emissions of SO_2 will not exceed the level of the attainment inventory. This demonstration required the State to project emissions for the 10-year period following redesignation. Wisconsin's plan projects that the emissions will not change substantially from the attainment inventory within the next ten years. The Milwaukee maintenance plan also indicates that the State will track the progress of the plan by compiling a yearly emission inventory of SO_2 in Milwaukee and comparing the level of emissions to that of the attainment inventory and that allowed in the SIP.

The plan also requires that ambient air quality monitoring continue to operate in the area after redesignation to attainment. The monitoring in Milwaukee conforms to USEPA's SLAMS requirements. WDNR committed in its maintenance plan to continue operation of its monitoring program in Milwaukee for the next ten years.

In terms of contingency provisions, the maintenance plan notes that WDNR has the authority in its State's statutes to enforce against ambient and emission limit violations. The State's new source review program will ensure that new emissions sources are considered and that air quality modeling will be performed to determine air quality impacts in Milwaukee for any major modifications to SO_2 facilities or new SO_2 sources.

As discussed above, the maintenance plan submitted by WDNR as part of the redesignation request for the Milwaukee primary sulfur dioxide nonattainment area satisfies the USEPA requirements for such plans in its existing SIP requirements for monitoring, emission inventories, and new source review.

5. SIP Meets Relevant Requirements Under Section 110 and Part D of the CAA

a. *Section 110 Requirements:* USEPA approved in 1992 a revision to Wisconsin's sulfur dioxide SIP for one source in the Milwaukee SO_2 nonattainment area (University of Wisconsin at Milwaukee) as the revision was determined to meet the requirements of section 110(a)(2) of the CAA, as amended. For more information regarding Wisconsin's Statewide SO_2 SIP, the reader is referred to the technical support documents associated with the notices of proposed and final rulemaking for the Wisconsin Statewide SO_2 Rules.

As noted above, USEPA approved the Milwaukee SIP on September 6, 1989, after having concluded that the plan satisfied CAA requirements. However, the Clean Air Amendments of 1990 modified several of the section 110 requirements to which the 1989 SIP revision was subject. USEPA has reviewed the existing Milwaukee SIP for conformance with the provisions of the Clean Air Act Amendments enacted on November 15, 1990. The Agency has determined that the existing plan does conform with the new requirements irrespective of the fact that the submittal preceded the date of enactment of the amendments to section 110. That is, the Wisconsin plan: includes enforceable emission limitations with schedules and timetables for compliance, provides for the operation of air quality monitors, and includes a program to provide for the enforcement of the emission limits.

b. *Part D Requirements:* Similarly, both the Statewide SO_2 SIP and the existing Milwaukee SIP meet the requirements of Part D of the CAA, including section 172(c), 42 U.S.C.A. 7502(c). This is, the Wisconsin plan: Provides for the implementation of all reasonably available control measures as expeditiously as practicable, provides for reasonable further progress towards attainment, includes an inventory of actual emissions from all sources in the nonattainment area, requires permits for the construction and operation of new and modified major stationary sources in the area, and includes sufficient contingency measures.

As discussed above, the request submitted by the WDNR to redesignate the Milwaukee primary sulfur dioxide nonattainment area to attainment satisfies the requirements for such redesignations as outlined in section 107(d)(3) of the CAA. Therefore, USEPA is approving this redesignation request in today's **Federal Register**.

III. Conclusion

Final Action

The United States Environmental Protection Agency (USEPA) received a request from the Wisconsin Department of Natural Resources (WDNR) on May 12, 1986, to redesignate a portion of Milwaukee County from primary nonattainment to attainment of the sulfur dioxide national ambient air quality standards (NAAQS). This redesignation request has been reviewed and USEPA's comments on the plan's provisions are detailed in the technical support document for this action. Based on the technical review of the redesignation request, USEPA, pursuant to this notice, is approving the Milwaukee maintenance plan SIP revision and is redesignating this portion of Milwaukee County to attainment. Further, this redesignation is being processed as a direct final due to its expected noncontroversial nature.

Because USEPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on July 23, 1993. However, if we receive notice by June 23, 1993 that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 23, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: October 9, 1992.

Valdas V. Adamkus,

Regional Administrator.

Note: This document was received at the Office of the Federal Register on May 13, 1993.

40 CFR parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(63)(ii)(B) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(63) * * *

(ii) * * *

(B) On June 12, 1992, Wisconsin DNR submitted its SO_2 maintenance plan for the City of Milwaukee, Milwaukee County.

* * * * *

3. Section 52.2575 is amended by adding paragraph (b)(2) to read as follows:

§ 52.2575 Control strategy: sulfur dioxide.

* * * * *

(b) * * *

(2) An SO_2 maintenance plan was submitted by the State of Wisconsin on June 12, 1992, for the City of Milwaukee, Milwaukee County.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 81.350 is amended in the attainment status designation table for SO_2 under AQCR 239 by revising the entry for Milwaukee County to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 239:				
Milwaukee County				X

* * * * *

[FR Doc. 93–11699 Filed 5–21–93; 8:45 am]
BILLING CODE [illegible]

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40 CFR Parts 52 and 81

[WI 12–1–5277; FRL–4532–3]

Designation of Areas for Air Quality Planning Purposes: Wisconsin; Approval and Promulgation of Implementation Plans Designation of Areas for Air Quality Planning Purposes; Madison Sulfur Dioxide Maintenance Plan and Redesignation Request

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: A dispersion modeling analysis and ambient air quality data from 1978 to 1991 indicate that the Madison sulfur dioxide (SO_2) nonattainment area has attained the National Ambient Air Quality Standard (NAAQS) for SO_2. Additionally, in accordance with the Clean Air Act Amendments of 1990, the State of Wisconsin has submitted a maintenance plan for SO_2 which projects continued attainment of the SO_2 NAAQS in the Madison area. USEPA is approving in this notice: the Madison SO_2 maintenance plan as a revision to the State Implementation Plan (SIP) to achieve air quality standards in the State of Wisconsin and the Madison Sulfur Dioxide redesignation request. USEPA's action is based upon a redesignation request which was submitted by the State of Wisconsin on December 22, 1986, and a maintenance plan SIP revision which was submitted on June 8, 1992. The intended effects of this action are to approve the Madison maintenance plan as a SIP revision and to redesignate a portion of Dane County from nonattainment to attainment of the primary national ambient air quality standards for sulfur dioxide.

DATES: These actions will be effective on July 23, 1993 unless notice is received by June 23, 1993 that someone wishes to submit adverse or critical comments. Such notice may be submitted to Carlton Nash at the USEPA Regional Office address listed below. If the effective date is delayed, timely notice will be published in the Federal Register (FR).

ADDRESSES: Copies of the State submittal and USEPA's technical analysis for this action are available for public inspection during normal business hours at the following address: (It is recommended that you telephone Patrick D. Dolwick at (312) 886–6053, before visiting the Region 5 Office). U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), Region 5, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Patrick D. Dolwick, Air Toxics and Radiation Branch, Regulation Development Section (AT–18J), Region 5, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6053.

SUPPLEMENTARY INFORMATION:

I. Background Information

Based on monitored violations of the primary sulfur dioxide NAAQS in 1977 and the State's request to redesignate, the United States Environmental Protection Agency (USEPA) designated a sub-city area of Madison, Wisconsin, located in Dane County as a primary nonattainment area for SO_2 on March 3, 1979. As a result, the State revised its SO_2 SIP to control the emissions that precipitated the violations in Madison. On December 22, 1986, the Wisconsin Department of Natural Resources (WDNR) requested USEPA to redesignate this portion of Dane County from nonattainment to attainment of the primary SO_2 NAAQS.

The nonattainment area in Madison is defined in title 40, chapter 81.350 of the *Code of Federal Regulations*. The area is bounded by the corner of Sherman Avenue and Vahlen Street, east to the corner of Vahlen Street and Packers Avenue, south to the corner of Packers Avenue and Aberg Avenue, southeast to the corner of Aberg Avenue and East Washington Avenue, west to the intersection of East Washington Avenue and Yahara River, northwest to the intersection of Yahara River and Sherman Avenue, and back north to the corner of Sherman Avenue and Vahlen Street.

USEPA proposed on May 24, 1990, (55 FR 21391) to disapprove this redesignation request because Dane County, Wisconsin did not have an adequate, fully approved SO_2 SIP for the area at that time. USEPA has since approved in final the Wisconsin Statewide SO_2 Rules. The final federal approval of these rules results in an adequate, fully approved SO_2 SIP for the nonattainment portion of Dane County. As a result, USEPA is approving the redesignation request in today's final rulemaking. A technical support document dated June 9, 1992, is available to provide a more detailed discussion of this action.

II. Review of State Submittals

A. Maintenance Plan

Section 107(d)(3)(E) of the amended Act stipulates that for an area to be redesignated from nonattainment to attainment the State must submit, in accordance with section 175A of the Act, a maintenance plan for any area that the State requests be redesignated. This plan must provide for maintenance of the standard for at least ten years from the anticipated date of redesignation. Eight years after the redesignation date, the State will be required to revise its SIP to provide for maintenance in the affected area for an additional ten year period. According to USEPA guidance as outlined in the General Preamble for the Implementation of title I of the Clean Air Act Amendments of 1990 (57 FR 13498), the maintenance plan consists of three basic components: An emission inventory, a maintenance demonstration, and contingency measures. USEPA redesignation policy (as outlined in a September 4, 1992, memorandum from John Calcagni, Director, Air Quality Management Division to the Regional Air Division Directors) lists five core provisions that a plan must contain in order to ensure maintenance of the standards: an attainment inventory, a maintenance demonstration, a monitoring network, verification of continued attainment, and a contingency plan.

1. Attainment Inventory

As part of its maintenance plan, the State must develop an attainment emission inventory to identify the level of emissions in the area at the time of attainment. The plan submitted by WDNR details the allowable and 1985–1990 actual emissions from the seven SO_2 sources in the Madison nonattainment area. This emission inventory was prepared in accordance with USEPA's guidance on inventories. Since the State has made an adequate demonstration that air quality has improved as a result of the SIP (as will be discussed in subsequent paragraphs), the attainment inventory for Madison will be the actual inventory for 1988. This year had the highest total of SO_2 emissions without an exceedance of the NAAQS: 9859.86 tons per year.

2. Maintenance Demonstration

According to USEPA redesignation policy, a State may generally demonstrate maintenance of the NAAQS by either showing that (1) future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or (2) by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. The Madison plan demonstrates attainment by using the first approach. WDNR provided assurance in its plan that the sources responsible for over 90 percent of the emissions in the Madison nonattainment area will not be increasing its SO_2 emissions beyond the attainment inventory. As such, the State is not expecting significant growth in SO_2 in the ten years of the maintenance plan.

3. Monitoring Network

Once an area has been redesignated, the State should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area. The maintenance plan for Madison contains provisions for continued operation of air quality monitors that will provide such verification. WDNR operates a State and Local monitoring system (SLAMS) SO_2 monitor in the Madison area and has committed to continued operation of this site.

4. Verification of Continued Attainment

Each State should ensure in its maintenance plan that it has the legal authority to implement and enforce all measures necessary to attain and to maintain the NAAQS. One such measure is the acquisition of ambient and source emission data to demonstrate attainment and maintenance. USEPA redesignation policy requires the State to indicate in its maintenance plan how the attainment status of the area will be tracked. The Madison plan relies on WDNR's authority under a number of State rules to require the annual reporting of emissions information. The State pledged to track the progress of the Madison SIP every year through the updating of the emissions inventory. WDNR also has the ability under its new source permitting program to account for changes in the area's total emissions that arise from new SO_2 sources that locate in the Madison area.

5. Contingency Plan

Section 175A of the Act requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. Unlike their counterparts required by section 172(c)(9), the maintenance plan's contingency measures are not required to take effect without further action from the State or USEPA. In the plan submitted by WDNR, the State will rely upon its authority under State law to promptly correct any violation of the NAAQS. Upon determining source culpability, the State will either: (1) Enforce the emission limit violation(s) that caused the exceedance of the NAAQS or (2) prepare administrative orders and/or a revision of the existing State Implementation Plan if the existing SIP was insufficient to attain the standards. As noted in the General Preamble, for SO_2 programs, USEPA interprets "contingency measures" to mean that the State agency has a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement, including expedited procedures for establishing enforceable consent agreements pending the adoption of revised SIPs. Therefore, USEPA has determined that the maintenance plan's contingency provisions, as well as the plan itself, are adequate to ensure the SO_2 standards in Madison.

B. Redesignation Request

According to section 107(d)(3)(E) of the Clean Air Act, 42 U.S.C.A. 7407, as amended by the Clean Air Act Amendments of 1990, (West 1983 & Supp. 1991) (CAA), USEPA may not promulgate a redesignation of a nonattainment area to attainment unless the following five conditions are satisfied:

(1) The Administrator has determined that the area has attained the NAAQS;

(2) The Administrator has fully approved the applicable implementation plan for the area under section 110(k);

(3) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementing of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(4) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and

(5) The State containing such area has met all requirements applicable to the area under section 110 and Part D of the CAA.

The Wisconsin redesignation request for the Madison sub-city nonattainment area meets the five requirements of section 107(d)(3)(E). The following is a description of how the State's request has fulfilled each of these CAA requirements.

1. Attainment of the SO_2 NAAQS

The nonattainment designation for the Madison area was based on three violations of the 24-hour primary SO_2 standard in 1977. The highest 24-hour concentration recorded was 470 micrograms per cubic meter. Monitoring data submitted by the WDNR show that there have been no monitored violations of the ambient SO_2 standards in the Madison area since 1977. USEPA redesignation policy requires that at least eight consecutive quarters with no violations be achieved before an area can be redesignated to attainment. The ambient data in Madison support the redesignation of this area.

Along with the redesignation request, a dispersion modeling analysis was submitted that shows that the primary and secondary SO_2 NAAQS will not be violated with all facilities in the area operating at the SIP-allowable limits that were approved in 1981 and 1982. The State's modeling analysis which showed attainment of the NAAQS at the SIP limits used the RAM model and was conducted in accordance with USEPA modeling guidance. The modeling analysis assumed maximum potential emissions from seven SO_2 sources in Madison.

2. Fully Approved SIP

Upon notification of the original nonattainment designation, WDNR developed a strategy to ensure attainment of the SO_2 standard in Madison by December 31, 1982. This revision to the Wisconsin SIP was approved in final by USEPA on April 9, 1981 (46 FR 21165). The SIP revision consisted of regulations (NR 418.03, Wisconsin Administrative Code) that were effective in Madison as of December 1, 1979.

However, on July 8, 1985, USEPA revised the stack height regulations, which required all States to revise their existing plans for conformity with the revised regulations. These revisions affected two sources in the Madison nonattaiment area: the University of Wisconsin (UW)-Madison (Charter Street) and the Oscar Mayer Company. In both cases, WDNR submitted Administrative Orders to USEPA as source-specific SIP revisions to the Wisconsin SIP on October 17, 1986. USEPA proposed to disapprove WDNR's redesignation request on May 24, 1990,

because these two source-specific SIP revisions had been included as part of Wisconsin's Statewide SO_2 Rules SIP revision package which had not yet undergone final rulemaking. For that reason, a fully approved SIP has not been in place for Dane County prior to the approval of the Wisconsin Statewide SO_2 Rules.

The May 24, 1990, notice of proposed rulemaking (NPR) noted that if USEPA ultimately approved Wisconsin's Statewide SO_2 Rules, the State might wish to request again the redesignation of the county to attainment based upon the redesignation criteria applicable at that time. Rather than doing so, WDNR requested that USEPA withhold the final rulemaking on this redesignation until the Wisconsin Statewide SO_2 SIP revision had undergone final rulemaking. USEPA published an NPR on the Wisconsin Statewide Sulfur Dioxide Rules on January 2, 1992 (57 FR 24). In this notice, USEPA proposed to approve the source-specific SIP revisions for Madison that had been submitted, including the plans for UW-Madison (Charter Street) and Oscar Mayer. The notice of final rulemaking on Wisconsin's Statewide SO_2 Rules was also published in the **Federal Register** in 1992.

USEPA's Stack Height Regulations apply to stacks (and sources) in existence and dispersion techniques implemented on or after December 31, 1970. Stack height credit for the purpose of establishing an emission limitation is restricted to good engineering practice (GEP) (i.e., 65 meters or the GEP formula height, whichever is greater). Credit for dispersion techniques (e.g. merged stacks) is generally prohibited, with a few exceptions, such as if total plantwide allowable SO_2 emissions at a facility are less than 5000 tons per year. On October 17, 1986, Wisconsin submitted a site-specific SIP revision for Oscar Mayer which limited total plantwide emissions from Oscar Mayer to 4500 tons per year (in addition to Oscar Mayer's federally enforceable emission limitations approved by USEPA on April 9, 1981 (46 FR 21165) and April 13, 1982 (47 FR 15783)). Thus, merged stack credit can be granted for this source. WDNR also submitted a site-specific SIP revision for UW-Madison (Charter Street) on October 17, 1986, which revised the emission limit for this source to that which was shown by the modeling to be necessary to attain the NAAQS: 3.18 pounds of SO_2/mmBTU.

For the above reasons, these two source-specific SIP revisions are being approved in the final rulemaking on the Wisconsin Statewide SO_2 Rules. As a result of the final rulemaking on the Statewide rules, an adequate fully approved SIP is now in place in Dane County and the redesignation request can be approved.

3. Air Quality Improvement From Permanent and Enforceable Emissions Reductions

USEPA approved the control strategies contained within Wisconsin's SIP revisions for the Madison SO_2 nonattainment area on April 9, 1981 (46 FR 21165) and also in the final rulemaking on Wisconsin's Statewide SO_2 Rules. Thus, the emission reductions achieved as a result of those rules are federally enforceable. Additionally, the regulations have no expiration date and are therefore permanent.

4. A Fully Approved Maintenance Plan

WDNR submitted a maintenance plan for the Madison SO_2 nonattainment area on June 9, 1992. This maintenance plan satisfies the requirements of section 175A of the CAA, 42 U.S.C.A. 7505(a), as was discussed in section 2a of this notice and reviewed below.

Section 175A provides that a maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the area is redesignated. Section 175A also requires that each maintenance plan contain contingency provisions necessary to assure that the State will promptly correct any violation of the NAAQS which may occur after redesignation of the area to attainment.

The maintenance plan submitted by WDNR contains an attainment emissions inventory which identifies the level of emissions in the Madison nonattainment area at the time of attainment. The submitted plan lists the actual emissions of the seven significant sources of SO_2 in the Madison nonattainment area for 1985 to 1990. The plan compared these emissions to the allowable emissions for each facility according to the SIP. The actual emissions were at most, in any of the six years, only 15 percent of the allowable emissions. The plan then demonstrates maintenance of the NAAQS by showing that the future emissions of SO_2 will not exceed the level of the attainment inventory. This demonstration required the State to project emissions for the 10-year period following redesignation. Wisconsin's plan projects that the emissions will not change substantially from the attainment inventory within the next ten years. The Madison maintenance plan also indicates that the State will track the progress of the plan by compiling a yearly emission inventory of SO_2 in Madison and comparing the level of emissions to that of the attainment inventory and that allowed in the SIP.

The plan also requires that ambient air quality monitoring continue to operate in the area after redesignation to attainment. The monitoring in Madison conforms to USEPA's SLAMS requirements. WDNR committed in its maintenance plan to continue operation of its monitoring program in Madison for the next ten years.

In terms of contingency provisions, the maintenance plan notes that WDNR has the authority in its State's statutes to enforce against ambient and emission limit violations. The State's new source review program will ensure that new emissions sources are considered and that air quality modeling will be performed to determine air quality impacts in Madison for any major modifications to SO_2 facilities or new SO_2 sources.

As discussed above, the maintenance plan submitted by WDNR as part of the redesignation request for the Madison primary sulfur dioxide nonattainment area satisfies the USEPA requirements for such plans in its existing SIP requirements for monitoring, emission inventories, and new source review.

5. SIP Meets Relevant Requirements Under Section 110 and Part D of the CAA

a. *Section 110 Requirements*: USEPA approved in 1992 a revision to Wisconsin's sulfur dioxide SIP for two sources in the Madison SO_2 nonattainment area as the revisions were determined to meet the requirements of section 110(a)(2) of the CAA, as amended. For more information regarding Wisconsin's Statewide SO_2 SIP, the reader is referred to the technical support documents associated with the notices of proposed and final rulemaking for the Wisconsin Statewide SO_2 Rules.

As noted above, USEPA approved the Madison SIP on April 9, 1981, after having concluded that the plan satisfied CAA requirements. However, the Clean Air Act Amendments of 1990 modified several of the section 110 requirements to which the 1989 SIP revision was subject. USEPA has reviewed the existing Madison SIP for conformance with the provisions of the Clean Air Act Amendments enacted on November 15, 1990. The Agency has determined that the existing plan does conform with the new requirements irrespective of the fact that the submittal preceded the date of enactment of the amendments to Section 110. That is, the Wisconsin plan: Includes enforceable emission

limitations with schedules and timetables for compliance, provides for the operation of air quality monitors, and includes a program to provide for the enforcement of the emission limits.

b. *Part D Requirements:* Similarly, both the Statewide SO_2 SIP and the existing Madison SIP meet the requirements of Part D of the CAA, including section 172(c), 42 U.S.C.A. 7502(c). That is, the Wisconsin plan: Provides for the implementation of all reasonably available control measures as expeditiously as practicable, provides for reasonable further progress towards attainment, includes an inventory of actual emissions from all sources in the nonattainment area, requires permits for the construction and operation of new and modified major stationary sources in the area, and includes sufficient contingency measures.

As discussed above, the request submitted by the WDNR to redesignate the Madison primary sulfur dioxide nonattainment area to attainment satisfies the requirements for such redesignations as outlined in section 107(d)(3) of the CAA. Therefore, USEPA is approving this redesignation request in today's Federal Register.

III. Conclusion

Final Action

The United States Environmental Protection Agency (USEPA) received a request from the Wisconsin Department of Natural Resources (WDNR) on December 22, 1986, to redesignate a portion of Dane County from primary nonattainment to attainment of the sulfur dioxide national ambient air quality standards (NAAQS). This redesignation request has been reviewed and USEPA's comments on the plan's provisions are detailed in the technical support document for this action. Based on the technical review of the redesignation request, USEPA, pursuant to this notice, is approving the Madison maintenance plan SIP revision and is redesignating this portion of Dane County to attainment. Further, this redesignation is being processed as a direct final due to its expected noncontroversial nature.

Because USEPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on July 23, 1993. However, if we receive notice by June 23, 1993 that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 23, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks; Wilderness areas.

Dated: October 9, 1992.

Valdas V. Adamkus,

Regional Administrator.

Note: This document was received at the Office of the Federal Register on May 13, 1993.

40 CFR parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(63)(ii) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(63) * * *

(ii) Additional information.

(A) On June 9, 1992, Wisconsin DNR submitted its SO_2 maintenance plan for the City of Madison, Dane County.

* * * * *

3. Section 52.2575 is amended by adding paragraph (b) to read as follows:

§ 52.2575 Control strategy: Sulfur dioxide.

* * * * *

(b) Sulfur dioxide maintenance plan.

(1) An SO_2 maintenance plan was submitted by the State of Wisconsin on June 9, 1992, for the City of Madison, Dane County.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 81.350 is amended in the attainment status designation table for SO_2 under AQCR 240 by revising the entry for Dane County and removing footnote 1 at the end of the table to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *	*	*		*
AQCR 240:				
* * * * * * *	*	*		*
Dane County			X	
* * * * * * *	*	*		*

* * * * *

[FR Doc. 93–11698 Filed 5–21–93; 8:45 am]

BILLING CODE 6560–50–M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. This amendment establishes Scott County, Mississippi, as new office for filing applications or complaints.

DATES: This rule is effective May 18, 1993. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before June 23, 1993.

ADDRESSES: Send or deliver comments to Stephanie J. Peters, Attorney, Office of Personnel Management, room 7350, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Stephanie J. Peters, (202) 606–1920.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Scott County as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. She determined on May 17, 1993, that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal observers to observe local elections.

Under section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject county, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds one new location to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting Rights.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending 45 CFR part 801 as follows:

PART 801—VOTING RIGHTS PROGRAM

1. The authority citation for part 801 continues to read as follows:

Authority: 5 U.S.C. 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. 1973e, 1973g).

2. Appendix A to part 801 is amended by adding alphabetically Scott County of Mississippi to read as follows:

Appendix A to Part 801

* * * * *

Mississippi

* * * * *

Scott; Best Western, room 130, Interstate 20 and Highway 251, Forest, Mississippi, 39074; (601) 469–4031 or 3950; May 18, 1993.

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[FR Doc. 93–12218 Filed 5–21–93; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 89–79, FCC 93–190]

Creation of Access Charge Subelements for Open Network Architecture

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule; memorandum opinion and order on reconsideration.

SUMMARY: This order modifies the provisions of the Part 69/ONA Order and requires the Bell Operating Companies (BOCs) to maintain existing feature group access offerings side by side with unbundled ONA services through June 30, 1994. After that date BOCs will be permitted to withdraw the

feature groups if they choose. The order, however, permits BOCs to withdraw their existing feature groups up to one year earlier if they obtain approval of an alternative access plan. To be approved, such a plan must facilitate IXC service ordering and bill verification in an environment without the feature groups, while eliminating or reducing the adverse selection incentives inherent in retention of the existing feature groups.

EFFECTIVE DATE: June 23, 1993.

FOR FURTHER INFORMATION CONTACT: Mark S. Nadel, Common Carrier Bureau, (202) 632–1301.

SUPPLEMENTARY INFORMATION:

Background

CC Docket No. 89–79: Notice of Proposed Rulemaking, Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket No. 89–79. *Adopted:* March 30, 1989. *Released:* May 9, 1989. 54 FR 20873 (May 15, 1989). By the Commission. Report and Order & Order on Further Reconsideration & Supplemental Notice of Proposed Rulemaking, Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture; Policy and Rules Concerning Rates for Dominant Carriers, CC Docket Nos. 89–79 and 87–313; FCC 91–186. *Adopted:* June 13, 1991. *Released:* July 11, 1991. 56 FR 33879 (July 24, 1991). By the Commission.

Summary of Memorandum Opinion & Order on Reconsideration

This is a summary of the Commission's Memorandum Opinion & Order on Reconsideration in Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket No. 89–79; FCC 93–190, *Adopted:* April 13, 1993 and *Released:* April 14, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, (202) 857–3800, 2100 M St., NW., suite 140, Washington, DC 20037.

This order modifies the provisions of the Part 69/ONA Order and requires the BOCs to maintain their existing feature groups side by side with unbundled ONA services through June 30, 1994, after which they will be permitted to withdraw them. In addition, it permits a BOC to withdraw its present feature groups up to one year earlier if it receives approval of an alternative access plan. To be approved such as access plan must facilitate IXC service ordering and bill verification in an environment without the feature groups, while eliminating or reducing the adverse selection incentives inherent in retention of the existing feature groups. The order also denies requests for reconsideration of the Part 69/ONA Order concerning ONA services under price caps, jurisdictional issues, and a request for a comprehensive interstate access proceeding.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–12147 Filed 5–21–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–79; RM–7641, RM–7648, RM–7820 and RM–7821]

Radio Broadcasting Services; Pierce, Bloomington, Markham, San Pedro and Bishop, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tschirhart Broadcasting, Inc., substitutes Channel 295C3 for Channel 295A at Bloomington, Texas, and modifies Station KLUB(FM)'s construction permit accordingly (RM–7648). See 56 FR 14227, April 8, 1991. We also allot, requested in a counterproposal filed by Colorado River Broadcasters, Channel 223A at Markham, Texas, as its first local aural transmission service (RM–7820). Channel 295C3 can be allotted to Bloomington in compliance with the Commission's minimum distance separation requirements at petitioner's requested site with a site restriction of 12.3 kilometers (7.6 miles) east. The coordinates for Channel 295C3 at Bloomington are North Latitude 28–39–14 and West Longitude 96–46–17. See **SUPPLEMENTARY INFORMATION**, *infra*.

DATES: Effective June 28, 1993. The window period for filing applications for Channel 223A at Markham, Texas, will open on June 29, 1993 and close on July 29, 1993.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–79, adopted April 16, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Additionally, Channel 223A can be allotted to Markham in compliance with the Commission's minimum distance separation requirements with a site restriction of 8 kilometers (5.0 miles) southwest. The coordinates for Channel 223A at Markham are North Latitude 28–53–51 and West Longitude 96–06–26. Since Bloomington is located within 320 kilometers (199 miles) of the U.S.-Mexican Border, concurrence by the Mexican government has been obtained. The petitions of F.W. Hannel d/b/a Trident Broadcasting of Texas to allot Channel 296A at Pierce, Texas (RM–7641), and of F.W. Hannel d/b/a Prairie Broadcasting Company to allot Channel 295A at San Pedro, Texas (RM–7821), are denied. With this action, this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 295A and adding Channel 295C3 at Bloomington, and by adding Markham, Channel 223A.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12148 Filed 5–21–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 94

[PR Docket No. 92–151; FCC 93–220]

Federal Access to Low Power 18 GHz Private Operational Fixed Microwave Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has revised its rules to permit federal government users to be served by Part 94 licensees operating 18 GHz low power systems on a private carrier basis. Allowing federal users access to 18 GHz low power systems will improve government efficiency and productivity by providing access to reliable, cost effective wireless local area networks (LANs).

EFFECTIVE DATE: June 23, 1993.

FOR FURTHER INFORMATION CONTACT: Peter Daronco, Rules Branch, Private Radio Bureau, (202) 632–7125.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 92–151, FCC 93–220, adopted May 3, 1993, and released May 14, 1993. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, telephone (202) 857–3800.

Summary of Report and Order

This action extends to federal users access to wireless local area networks (LANs) operated by 18 GHz private operational fixed licensees. These wireless LANs will satisfy an identified communication need of federal users without adverse impact on non-federal users. The low power and frequency reuse design of 18 GHz low power systems produces high capacity systems that are capable of meeting the communications requirements of both federal and non-federal users, without reducing service quality or availability to the latter. Retaining the restriction, therefore, would merely impose unnecessary costs on federal users—and taxpayers—with no resultant benefit to non-federal users.

Final Regulatory Flexibility Analysis

1. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

Need and Purpose of the Action

2. The Commission is adopting the rule change to allow 18 GHz low power licensees to serve federal entities as end-users. Allowing federal users access to 18 GHz low power systems will improve government efficiency and productivity by providing access to reliable, cost effective LANs. Allowing access to federal users will not adversely affect service quality or availability of wireless LANs to non-federal users including small businesses. 18 GHz systems are low power and re-use significant spectrum within the 17.5 mile radius covered by each license. This produces high capacity systems capable of meeting the wireless LAN communications requirements of both non-federal and federal users.

Issues Raised in Response to the Initial Regulatory Flexibility Analysis

3. There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

Significant Alternatives Considered and Rejected

4. All significant alternatives have been addressed in this Report and Order.

List of Subjects in 47 CFR Part 94

Communications equipment, Radio.

Amendatory Text

Part 94 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 94—PRIVATE OPERATIONAL FIXED MICROWAVE SERVICE

1. The authority citation for part 94 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303, unless otherwise noted.

2. Section 94.17 is amended by revising paragraph (a)(1) to read as follows:

§ 94.17 Shared use of radio stations and the offering of private carrier communications service.

(a) * * *

(1) Persons or governmental entities licensed to operate radio systems on any of the frequencies set out in § 94.61(b) may share such systems with, or provide private carrier service to, any eligible for licensing under this part, regardless of individual eligibility restrictions enumerated in § 94.61(b), provided that the communications carried are permissible under § 94.9. In addition, persons or governmental entities licensed to operate low power systems under the provisions of § 94.88 may share such systems with, or provide private carrier services to, Federal Government entities, provided the communications carried are permissible under § 94.9.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–12021 Filed 5–21–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for aggregate species in the rock sole/"other flatfish" fishery category by operators of vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 1993 second seasonal Pacific halibut bycatch mortality allowance for the trawl rock sole/"other flatfish" fishery category in the BSAI has been reached.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), May 21, 1993, through 12 noon, A.l.t., July 4, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1993 Pacific halibut bycatch mortality allowance for the trawl rock sole/"other flatfish" fishery category, which is defined at § 675.21(b)(1)(iii)(B)(2), is 588 metric tons (mt); the second seasonal apportionment of the allowance is 80 mt for the period April 4, 1993, through July 3, 1993 (58 FR 14524, March 18, 1993).

The Regional Director of the Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iv), that the second seasonal Pacific halibut

bycatch mortality allowance for the trawl rock sole/"other flatfish" fishery category in the BSAI has been reached. Therefore, NMFS is prohibiting directed fishing for aggregate species in the rock sole/"other flatfish" fishery category by vessels using trawl gear in the BSAI from 12 noon, A.l.t., May 21, 1993, through 12 noon, A.l.t., July 4, 1993.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.21 and complies with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 19, 1993.

Joe P. Clem,

Chief, Plans and Regulations Division, National Marine Fisheries Service.

[FR Doc. 93–12230 Filed 5–20–93; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 58, No. 98
Monday, May 24, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AE17

Emergency Planning Licensing Requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS)

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to provide, as directed by the Nuclear Waste Policy Act of 1982, for the emergency planning licensing requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS). The proposed amendments are necessary to ensure that local authorities will be notified in the event of an accident so that they may take appropriate action. The proposed rule is intended to provide a level of preparedness at these facilities that is consistent with NRC's defense-in-depth philospophy.

DATES: Submit comments by (August 9, 1993). Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Deliver comments to One White Flint North, 11555 Rockville Pike, Rockville, MD between 7:30 a.m. and 4:15 p.m. weekdays. Copies of the environmental assessment and findings of no significant environmental impact, and comments received on the proposed rule are available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street, NW., Washington, DC, Lower Level.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Office of Nuclear Regulatory Research, Washington, DC 20555, Telephone (301) 492–3918.

SUPPLEMENTARY INFORMATION:

Background

On May 27, 1986 (51 FR 19106), following Commission approval, the proposed revision to 10 CFR part 72 relating to licensing requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS), including requirements for emergency planning, was published in the Federal Register for comment.

On November 30, 1988 (53 FR 31651), the Commission published the final rule outlining the licensing requirements for ISFSI and MRS but reserved the emergency planning licensing requirements for a later date. This rulemaking package provides these requirements.

Discussion

In the Federal Register Notice (53 FR 31651) dated November 30, 1988, which published the final regulations outlining the licensing requirements for ISFSI and MRS, the Commission responded to several comments relating to emergency planning by stating that the basic concept of emergency planning in § 72.32 (§ 72.19) has not been changed. None of the respondents provided any additional information to the staff or questioned the staff analyses such as to change the basis for the staff's approach to emergency planning for an ISFSI or an MRS. Moreover, in view of the relatively passive nature of facilities for the receipt, handling, and storage of spent fuel and high-level radioactive waste, as compared to operating power reactors, emergency plans for ISFSI and MRS need not be equivalent to emergency plans for reactors.

Since the proposed revision of part 72 was published for comment on May 27, 1986, the NRC has published proposed amendments to 10 CFR parts 30, 40, and 70 [1] which would require certain NRC fuel cycle and other radioactive materials licensees that engage in activities that may have the potential for a significant accidental release of NRC licensed materials to establish and maintain approved emergency plans for responding to such accidents. Although applicable to persons licensed under different parts of the Commission's regulations, the proposed requirements for emergency plans in parts 30, 40, and 70 contain similar provisions because they are designed to protect the public against similar radiological hazards. The proposed revision of part 72 as published for comment also requires applicants for an ISFSI and MRS license to submit an emergency plan (see § 72.32). Although the texts of proposed § 72.32 and the parallel provisions of the proposed Emergency Preparedness rule are not identical, these provisions have the same purpose and use the same approach. In both cases, the proposed regulations require onsite emergency planning with provisions for offsite emergency response in terms of coordination and communication with offsite authorities and the public. It is therefore appropriate that in both cases these requirements should be expressed in the same way.

Until the Commission promulgates the Emergency Preparedness rule in final form, it is not possible to ascertain exactly the language that should be used. In view of these circumstances and since there is every expectation that this period of uncertainty will be of relatively short duration, we believe the prudent course of action is to reserve § 72.32 (§ 72.19), Emergency plan, in the final rule with the understanding that the text of this section will be promulgated in final form as a conforming amendment when the Commission adopts and promulgates the final Emergency Preparedness rule or shortly thereafter.

On April 7, 1989 (54 FR 14051), the Commission published in the Federal Register the final regulations relating to Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees (10 CFR part 70). The requirements for part 70 licensees state that Section 70.22(i)(3) Emergency Plans submitted under Paragraph (i)(1)(ii) of this section must include the following information:

(i) Facility description. A brief description of the licensee's facility and area near the site.

(ii) Types of accidents. An identification of each type of radioactive

[1] Proposed rule on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees, 52 FR 12921, April 20, 1987.

materials accident for which protective actions may be needed.

(iii) Classification of accidents. A classification system for classifying accidents as alerts or site area emergencies.

(iv) Detection of accidents. Identification of the means of detecting each type of accident in a timely manner.

(v) Mitigation of consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

(vi) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(vii) Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the NRC; also responsibilities for developing, maintaining, and updating the plan.

(viii) Notification and coordination. A commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the NRC operations center immediately after notification of the appropriate offsite response organization and not later than one hour after the licensee declares an emergency.[2]

(ix) Information to be communicated. A brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the NRC.

(x) Training. A brief description of the frequency, performance objectives and plans for the training that the licensee will provide workers on how to respond to an emergency including any special instructions and orientation tours the licensee would offer to fire, police, medical and other emergency personnel. The training shall familiarize personnel with site-specific emergency procedures. Also, the training shall thoroughly prepare site personnel for their responsibilities in the event of accident scenarios postulated as most probable for the specific site, including the use of team training for such scenarios.

(xi) Safe shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

(xii) Exercises. Provision for conducting quarterly communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee shall invite offsite response organizations to participate in the biennial exercises. Participation of offsite response organizations in biennial exercises although recommended is not required. Exercises must use accident scenarios postulated as most probable for the specific site and the scenarios shall not be known to most exercise participants. The licensee shall critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected.

(xiii) Hazardous chemicals. A certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Public Law 99–499, if applicable to the applicant's activities at the proposed place of use of the special nuclear material.

(4) The licensee shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to NRC. The licensee shall provide any comments received within the 60 days to the NRC with the emergency plan.

Proposed emergency planning regulations for part 72 licensees were published on May 27 1986 (51 FR 19106), proposing to require the following:

Section 72.19 Emergency Plan

An application to store spent fuel in an ISFSI or to store spent fuel and high-level radioactive waste in an MRS must include plans for coping with emergencies.

(a) An emergency plan must include the following:

(1) A brief description of the licensee's facility, site, and area near the site;

(2) Identification of each type of accident for which an emergency response may be needed;

(3) Identification of methods for the detection of approaching an accident condition;

(4) A brief description of methods and equipment for mitigating the consequences of accidents, including those provided to protect workers onsite against radiation hazards, and a description of the program for maintaining the equipment;

(5) A brief description of the methods and equipment to measure and assess accidental releases of radioactive materials;

(6) A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the NRC;

(7) A brief description of the methods for promptly notifying offsite response organizations and requesting assistance, including medical assistance;

(8) A brief description of the types of information on facility status, radioactive releases, and recommended actions, as appropriate to be given to offsite response organizations and to the NRC;

(9) A brief description of any special instructions and orientation tours the licensee would offer to fire, police, medical, and other emergency response personnel;

(10) A brief description of the means of restoring the facility to a safe condition after an accident; and

(11) Provisions for conducting onsite quarterly communications checks and biennial drills and for identifying and correcting deficiencies in the plan.

(b) The licensee shall allow the offsite response organizations expected to respond in case of emergency 60 days to comment on the licensee's emergency plan before submitting the plan to NRC for approval. The licensee shall provide any comments that have been received within the 60 days to the NRC with the emergency plan.

(c) For an ISFSI that is located on the site of a nuclear power reactor licensed for operation by the Commission, the emergency plan required by 10 CFR 50.47 shall be deemed to satisfy the requirements of this section.

[2] These reporting requirements do not supersede or release licensees of complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Pub. L. 99–499 or other state or federal reporting requirements.

After reviewing the proposed emergency planning requirements for part 72 licensees and comparing them to the final emergency planning requirements for part 70 licensees published in the Federal Register on April 7, 1989 (54 FR 14051), the Commission has determined that they contain similar provisions because they are designed to protect the public against similar radiological hazards. The Commission finds that, even though these provisions are not entirely identical, they have the same purpose and use the same approach. In both cases, they require onsite emergency planning with provisions for offsite emergency response in terms of coordination and communication with offsite authorities and the public.

As a result of the above evaluation, the Commission is proposing that the emergency planning licensing requirements for part 72 licensees be similar to those requirements already codified in 10 CFR 70.22 for other part 70 licensees. Nonetheless, the Commission wishes to establish unique provisions in the emergency planning requirements for ISFSI facilities versus MRS facilities. The Commission anticipates a potential need for enhanced emergency planning requirements appropriate to the entire range of operations which may be conducted at an MRS facility. The Commission acknowledges that, to date, accidents that have been postulated and analyzed for either an ISFSI or MRS would result in similar offsite doses. The analysis of potential onsite and offsite consequences of accidental releases associated with the operation of an ISFSI is contained in NUREG–1140. This evaluation shows that the maximum dose to a member of the public offsite due to an accidental release of radioactive materials would not exceed 1 rem effective dose equivalent which is within the EPA Protective Action Guides or an intake of 2 milligrams of soluble uranium (due to chemical toxicity).

Thus the consequences of worst-case accidents involving an ISFSI located on a reactor site would be inconsequential when compared to those involving the reactor itself. Therefore, current reactor emergency plans cover all at-reactor ISFSI's. An ISFSI that is to be licensed for a stand-alone operation will need an emergency plan established in accordance with the proposed requirement in this rulemaking. NUREG–1140 concluded that the postulated worst-case accident involving an ISFSI has insignificant consequences to the public health and safety. Therefore, the proposed requirements to be imposed on ISFSI licensees reflect this fact, and do not mandate formal offsite components to their onsite emergency plans.

Similarly, the Commission has conducted an analysis of potential onsite and offsite consequences of accidental releases associated with the operation of an MRS. The analysis is contained in NUREG–1092. This evaluation shows that the maximum dose to a member of the public offsite due to an accidental release of radioactive materials would likely not exceed 1 rem effective dose equivalent which is within the EPA Protective Action Guides or an intake of 2 milligrams of soluble uranium (due to chemical toxicity). Nonetheless, the Commission believes it appropriate to require enhanced offsite emergency planning at an MRS because of the broader scope of activities which could be performed at such a facility. In addition to the handling and repackaging for storage of large numbers of individual fuel bundles (15,000 Metric Tons Heavy Metal (MTHM)) which involves the receipt, inspection, and transfer of several thousand transport casks, MRS operations may also encompass the consolidation of the stored fuel into casks for subsequent geological disposal after interim storage. At this time a final MRS design has not been selected. The MRS may be a large industrial facility equipped to handle the loading, unloading, and decontaminating a large number of spent fuel shipping containers arriving by both truck and rail. It could also include facilities to disassemble the fuel bundles and consolidate that fuel into special storage/transport containers, and facilities to handle solidified high-level waste. Such facilities would require the equipment necessary to treat low- and high-level waste generated by the above operations. It is also possible, however, for an MRS facility to serve primarily as a warehouse operation, limited solely to accepting, storing and later transhipping a large number of universal container systems (UCS) of the type proposed by Virginia Power. Given the uncertainties in the design and operation of the MRS (no formal application exists), the Commission believes it prudent to raise the level of emergency planning to include some offsite preparedness should operation of an MRS present accident risks in excess of those analyzed in NUREGs 1140 and 1092. Because the level of threat to the public health and safety from the MRS may exceed that from an ISFSI the emergency planning requirements for the MRS include an offsite component, codified within that section of the proposed rule.

To achieve this goal, the proposed MRS emergency plan requirements are modeled after 10 CFR 50.47(d). The intent of this section was to mandate a minimum level of offsite response capability during initial reactor licensing and low power operations. This same minimum level of response is considered appropriate to MRS operations.

Because much of the language needed to achieve this level of offsite protection has already been codified in 10 CFR part 50, similar language is included within the proposed emergency plan requirements for an MRS (10 CFR 72.32(b)(15) (i–vi)).

The Commission notes that for both types of facilities this rulemaking is not required in order to provide adequate safety and may not be justified based solely on a comparison of the costs of implementing these regulations to the increase in public health and safety. Rather, the Commission believes that it is justified in terms of safety enhancement such as the intangible benefit of being able to assure the public that local authorities will be notified in the event of an accident so that they may take appropriate actions. The NRC feels that such preparedness is prudent and consistent with the NRC's philosophy of defense-in-depth.

Nonetheless, the Commission wishes to note that because the full nature and extent of operations and processes that will be conducted at an MRS are yet undefined, the public is requested to comment as to whether an offsite component to emergency preparedness at an MRS is reasonable, appropriate or premature at this time.

It is the Commission's intention that the enclosed proposed part 72 Emergency Planning requirements supersede the proposed Emergency Planning requirements published on May 27, 1986 (51 FR 19106); therefore, the 1986 proposed amendments are hereby withdrawn.

Submission of Comments on Electronic Format

Commenters are encouraged to submit, in addition to the original paper copy, a copy of the comment letter in electronic format on 5.25 or 3.5 inch computer diskette; IBM PC/DOS or MS/DOS format. Data files should be provided in WordPerfect format or unformatted ASCII code. The format and version should be identified on the diskette external label.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment; and therefore, an environmental impact statement is not required. The rule would not affect the probability or the size of accidental radioactive releases. It might in some cases reduce the doses people near the facility site could receive. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street, NW., Washington, DC, lower level. The environmental assessment and finding of no significant impact are contained in § 4.3 of NUREG–1140, "A Regulatory Analysis on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees." Single copies are available without charge upon written request from NRC Distribution Section, Office of Administration, USNRC, Washington, DC 20555.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Public reporting burden for this collection of information is estimated to average 625 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for further reducing reporting burden, to the Information and Records Management Branch (MNBB–7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–3019, (3150–0132), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this proposed regulation. The analysis examines the accident scenarios considered by the Commission as well as the costs and benefits of actions considered. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW., Washington, DC. Single copies of the analysis may be obtained without charge upon written request from: Distribution Section, Office of Administration, USNRC, Washington, DC 20555.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, (5 U.S.C. 6059b), the Commission certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities.

The proposed rule would require the development and implementation of emergency plans by licensees who are authorized to possess significant amounts of radioactive material. These companies do not fall within the definition of a small business found in the Small Business Act, 15 U.S.C. 632, or within the small business size standards set forth in 13 CFR part 121. The proposed rule will affect three (3) licensees. Two licensees hold part 50 licenses and are required to comply with the provisions respecting emergency plans set out in part 50.

Thus, the proposed rule would not impose a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

Any small entity affected by this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact, should notify the Commission of this in a comment that indicates the following:

(a) The small entity's size in terms of annual income or revenue and number of employees;

(b) How the proposed regulation would result in a significant economic burden upon the small entity as compared to that on a larger entity;

(c) How the proposed regulations could be modified to take into account the entity's differing needs or capabilities.

The comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and thus, a backfit analysis is not required for this proposed rule, because these amendments do not involve any provisions which would impose backfits as defined in § 50.109 (a)(1).

List of Subjects in 10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reason presented in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162 (b), 10168 (c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203; 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h), subparts K and L are also issued under sec. 133, 96 Stat. 2230 (42 U.S.C. 10153) and 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.32 paragraphs (a) and (b) are added to read as follows:

§ 72.32 Emergency Plan.

(a) Each application for an ISFSI (that is not located on the site of a nuclear power reactor or that is located on the site of a nuclear power reactor which does not have an operating license) that is licensed under this part must be accompanied by an Emergency Plan that includes the following information:

(1) Facility description. A brief description of the licensee's facility and area near the site.

(2) Types of accidents. An identification of each type of radioactive materials accident for which protective actions may be needed.

(3) Classification of accidents. A classification system for classifying accidents up to an alert.

(4) Detection of accidents. Identification of the means of detecting an accident condition.

(5) Mitigation of consequences. A brief description of the means of mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

(6) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(7) Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the NRC; also responsibilities for developing, maintaining, and updating the plan.

(8) Notification and coordination. A commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the NRC operations center immediately after notifications of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.[1]

(9) Information to be communicated. A brief description of the types of information on facility status; radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the NRC.

(10) Training. A brief description of the training the licensee will provide workers on how to respond to an emergency and any special instructions and orientation tours the licensee would offer to fire, police, medical and other emergency personnel.

(11) Safe Condition. A brief description of the means of restoring the facility to a safe condition after an accident.

(12) Exercises. (i) Provisions for conducting semiannual communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Radiological/Health Physics, Medical, and Fire Drills should be conducted semiannually. Semiannual communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee shall invite offsite response organizations to participate in the biennial exercises.

(ii) Participation of offsite response organizations in biennial exercises although recommended is not required. Exercises must use scenarios not known to most exercise participants. The licensee shall critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected.

(13) Hazardous chemicals. A certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Public Law 99–499, if applicable to the applicant's activities at the proposed place of use of the special nuclear material.

(14) The licensee shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to NRC. The licensee shall provide any comments received within the 60 days to the NRC with the emergency plan.

(15) In order to assure for potential offsite assistance the review of an applicant's emergency plans shall include arrangements for requesting and effectively using offsite assistance on site have been made, arrangements to accommodate State and local staff at the licensee's near-site emergency facility have been made, and other organizations capable of augmenting the planned onsite response have been identified.

(16) Arrangements made for providing information to the public.

[1] These reporting requirements do not supersede or release licensees of complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Public Law 99–499 or other state or federal reporting requirements.

(b) Each application for an MRS that is licensed under this part must be accompanied by an Emergency Plan that includes the following information:

(1) Facility description. A brief description of the licensee's facility and area near the site.

(2) Types of accidents. An identification of each type of radioactive materials accident for which protective actions may be needed.

(3) Classification of accidents. A classification system for classifying accidents as alerts or site area emergencies.[2]

(4) Detection of accidents. Identification of the means of detecting an accident condition.

(5) Mitigation of consequences. A brief description of the means of mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

(6) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(7) Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the NRC; also responsibilities for developing, maintaining, and updating the plan.

(8) Notification and coordination. A commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the NRC operations center immediately after notifications of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.[3]

[2] Site Area emergency means events may occur, are in progress, or have occurred that could lead to significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

[3] These reporting requirements do not supersede or release licensees of complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Public Law 99–499 or other state or federal reporting requirements.

(9) Information to be communicated. A brief description of the types of information on facility status; radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the NRC.

(10) Training. A brief description of the training the licensee will provide workers on how to respond to an emergency and any special instructions and orientation tours the licensee would offer to fire, police, medical and other emergency personnel.

(11) Safe Condition. A brief description of the means of restoring the facility to a safe condition after an accident.

(12) Exercises. (i) Provisions for conducting quarterly communications checks with offsite response organizations and annual onsite exercises to test response to simulated emergencies. Radiological/Health Physics, Medical, and Fire Drills should be held semiannually. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee shall invite offsite response organizations to participate in the annual exercises.

(ii) Participation of offsite response organizations in annual exercises although recommended is not required. Exercises must use scenarios not known to most exercise participants. The licensee shall critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected.

(13) Hazardous chemicals. A certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Public Law 99–499, if applicable to the applicant's activities at the proposed place of use of the special nuclear material.

(14) The licensee shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to NRC. The licensee shall provide any comments received within the 60 days to the NRC with the emergency plan.

(15) Review of applicant's emergency plans shall include the following for potential offsite assistance:

(i) Arrangements for requesting and effectively using offsite assistance on site have been made, arrangements to accommodate State and local staff at the licensee's near-site emergency facility have been made, and other organizations capable of augmenting the planned onsite response have been identified.

(ii) Provisions exist for prompt communications among principal response organizations to offsite emergency personnel who would be responding onsite.

(iii) Adequate emergency facilities and equipment to support the emergency response onsite are provided and maintained.

(iv) Adequate methods, systems, and equipment for assessing and monitoring actual or potential consequences of a radiological emergency condition are available.

(v) Arrangements are made for medical services for contaminated and injured onsite individuals.

(vi) Radiological Emergency Response Training has been made available to those offsite who may be called to assist in an emergency onsite.

(16) Arrangements made to provide information to the public.

* * * * *

Dated at Rockville, Maryland, this 17th day of May, 1993.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–12095 Filed 5–21–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–17–AD]

Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Model Aerospatiale Model ATR42 and ATR72 series airplanes, that currently requires: (1) Inspections to detect defects in the aileron control system and repair or replacement of defective parts; (2) flight checks and ground inspections of certain airplanes; (3) a revision to the FAA-approved Airplane Flight Manual (AFM); and (4) installation of a warning placard to prohibit use of roll trim in certain situations. This action would require replacement of the automatic flight control system (AFCS) computer with a new AFCS computer and modification of its wiring, which, when accomplished, would terminate the requirements for an AFM revision and a warning placard. This proposal is prompted by the development of a new AFCS computer and modification of its wiring. The actions specified by the proposed AD are intended to prevent severely reduced controllability of the airplane.

DATES: Comments must be received by July 19, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–17–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1112; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report

summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–17–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–17–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 23, 1991, the FAA issued AD 90–26–52, Amendment 39–6880 (56 FR 4532, February 5, 1991), to require: (1) Repetitive detailed visual inspections to detect defects in the aileron control system and repair or replacement, if necessary; (2) flight checks and ground inspections of certain airplanes; (3) a revision to the FAA-approved Airplane Flight Manual; and (4) installation of a warning placard to prohibit use of roll trim in certain situations. That action was prompted by reports of roll departures at manual disconnection of the autopilot. The requirements of that AD are intended to prevent severely reduced controllability of the airplane.

Since the issuance of that AD, the manufacturer has developed an improved automatic flight control system (AFCS) computer that incorporates design improvements and a wiring modification that improves roll out-of-trim indications and eliminates the risk of roll trim command, which would accentuate the out-of-trim condition. Bad bearings in the aileron control system, incorrect rudder tab settings, and severe out-of-trim conditions masked by the autopilot, could result in severely reduced controllability of the airplane.

Aerospatiale has issued Service Bulletins ATR42–22–0015, Revision 1 (for Model ATR42 series airplanes), and ATR72–22–1004, Revision 1 (for Model ATR72 series airplanes), both dated March 6, 1992, that describe procedures for replacement of the AFCS computer with a new AFCS computer that incorporates design improvements. Aerospatiale has also issued Service Bulletins ATR42–27–0058, Revision 1, dated February 27, 1992 (for Model ATR42 series airplanes), and ATR72–27–1019, Revision 1, dated March 20, 1992 (for Model ATR series airplanes), that describe procedures for modification of the wiring. This modification would improve roll out-of-trim indications and eliminate the risk of roll trim command, which would accentuate the out-of-trim condition. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified these service bulletins as mandatory and issued Airworthiness Directives 91–238–009(B) and 91–237–044(B), both dated October 30, 1991, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the French DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the French DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 90–26–52 to require replacement of the AFCS computer with a new AFCS computer and modification of its wiring, which, when accomplished, would terminate the requirements for an AFM revision and a warning placard. The actions would be required to be accomplished in accordance with the service bulletins described previously. This proposal would continue to require: (1) Repetitive detailed visual inspections to detect defects in the aileron control system and repair or replacement, if necessary; (2) flight checks and ground inspections of certain airplanes; (3) a revision to the FAA-approved Airplane Flight Manual; and (4) installation of a warning placard to prohibit use of roll trim in certain situations.

The FAA estimates that 99 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 126 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would be provided at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $686,070, or $6,930 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6880 (56 FR 4532, February 5, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Aerospatiale: Docket 93–NM–17–AD. Supersedes AD 90–26–52, Amendment 39–6880.

Applicability: All Model ATR42 and ATR72 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: Paragraph (b) of this AD restates the requirement for repetitive inspections contained in paragraph b. of AD 90–26–52. The first inspection required by this AD must be performed within the specified repetitive inspection interval after the last inspection performed in accordance with paragraph b. of AD 90–26–52.

Note 2: Paragraphs (a), (c), (d), and (e) of this AD restate the requirements of paragraphs a., c., d., and e. of AD 90–26–52. As allowed by the phrase, "unless accomplished previously," if the requirements of paragraphs a., c., d., and e. of AD 90–26–52 have been accomplished previously, paragraphs (a), (c), (d), and (e) of this AD do not require that they be repeated.

To prevent severely reduced controllability of the airplane, accomplish the following:

(a) Within 48 hours after February 19, 1991 (the effective date of AD 90–26–52, Amendment 39–6880), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Add the following to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) and notify all crew members. This may be accomplished by inserting a copy of this AD in the AFM.

Use of roll trim in excess of plus or minus one unit (one dot) with the autopilot engaged is prohibited except for an engine failure condition.

(2) Install a warning placard in the cockpit in full view of the pilot and copilot, which states:

Warning—Do not exceed plus or minus one unit (one DOT) of roll trim with the autopilot engaged except for an engine failure condition.

(b) Prior to the accumulation of 1,000 total hours time-in-service on the airplane, or within 50 hours time-in-service after February 19, 1991 (the effective date of AD 90–26–52, Amendment 39–6880), whichever occurs later, and thereafter at intervals not to exceed 1,000 hours time-in-service, accomplish the following:

(1) Open all inspection plates in the wing which provide access to the aileron control system; perform a detailed inspection of the aileron control system in accordance with the manufacturer's Maintenance Manual and verify that there is freedom of movement without binding; and, for the Model ATR42, verify, in accordance with Aerospatiale Service Bulletin ATR42–27–0022, Revision 1, dated April 14, 1988, that there is no free play in excess of tolerances specified in the service bulletin.

(2) Perform a detailed visual inspection of all bearings of the aileron control system located in the wings for proper operation and the absence of physical defects.

(3) If any discrepancy is found, prior to further flight, repair or replace any defective part with a serviceable part, or otherwise correct the discrepancy, in accordance with the manufacturer's Maintenance Manual.

(c) For airplanes on which the rudder and/or elevator tab rods have been replaced in accordance with Aerospatiale Service Bulletin ATR42–27–0046, dated June 11, 1990, or ATR42–27–0049, dated September 14, 1990 (for Model ATR42 series airplanes); or Aerospatiale Service Bulletin ATR72–27–1008, dated June 11, 1990, or ATR72–27–1012, dated October 29, 1990 (for Model ATR72 series airplanes); as applicable, accomplish the following:

(1) If either of the conditions specified in paragraph (c)(1)(i) or (c)(1)(ii) of this AD apply, within 15 days after February 19, 1991 (the effective date of AD 90–26–52, Amendment 39–6880), perform a flight check in accordance with paragraph C. of Aerospatiale Service Bulletin ATR42–27–0050 (for Model ATR42 series airplanes) or ATR72–27–1013 (for Model ATR72 series airplanes), both dated November 22, 1990, as applicable. The flight check must not be performed during commercial flight.

(i) If, as a result of the flight check required by telegraphic AD T90–24–51 (issued November 16, 1990), the trim settings were determined to be outside the acceptable values specified in the telegraphic AD; or

(ii) If that flight check has not been accomplished as of February 19, 1991 (the effective date of AD 90–26–52, Amendment 39–6880).

(2) If one or more of the trim indications are out of tolerance, repair prior to further flight, in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) If the flight check required by paragraph C. of telegraphic AD T90–24–51 has been performed, and the trim settings were within the acceptable values specified in that telegraphic AD, no further action is required by this paragraph.

(d) For airplanes on which the rudder tab rods have been replaced in accordance with Aerospatiale Service Bulletin ATR42–27–0046, dated June 11, 1990, or ATR42–27–0049, dated September 14, 1990 (for Model ATR42 series airplanes); or Aerospatiale Service Bulletin ATR72–27–1008, dated June 11, 1990, or ATR72–27–1012, dated October 29, 1990 (for Model ATR72 series airplanes); as applicable:

(1) Within 7 days after February 19, 1991 (the effective date of AD 90–26–52, Amendment 39–6880), perform a ground inspection to detect incorrect rudder and trim tab settings, in accordance with Aerospatiale Service Bulletins ATR42–27–0051 (for Model ATR42 series airplanes) and AT72–27–0014 (for Model ATR72 series airplanes), both dated November 22, 1990, as applicable.

(2) If any discrepancy is found, prior to further flight, repair or replace the defective part in accordance with the applicable service bulletin.

(e) Within 10 days after accomplishing the inspections required by paragraphs (b), (c), and (d) of this AD, submit a written report of all defects to the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax number (206) 227–1320. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(f) Within 12 months after the effective date of this AD, replace the automatic flight control system (AFCS) computer with a new AFCS computer in accordance with Aerospatiale Service Bulletin ATR42–22–0015, Revision 1 (for Model ATR42 series airplanes); or Aerospatiale Service Bulletin ATR72–22–1004, Revision 1 (for Model ATR72 series airplanes), both dated March 6, 1992; and modify the wiring in accordance with Aerospatiale Service Bulletin ATR42–27–0058, Revision 1, dated February 27, 1992 (for Model ATR42 series airplanes); or Aerospatiale Service Bulletin ATR72–27–1019, Revision 1, dated March 20, 1992 (for Model ATR72 series airplanes).

(g) Following accomplishment of the replacement of the AFCS computer and the modification of the wiring required by paragraph (f) of this AD, the changes to the flight manual and the placard required by paragraph (a) of this AD may be removed.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(i) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–12169 Filed 5–21–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–44–AD]

Airworthiness Directives; Airbus Industrie Model A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to all Airbus Industrie Model A300–600 series airplanes, that would have required inspections to detect cracks in the center spar sealing

angles adjacent to the pylon rear attachment, cold work, and replacement of any cracked parts; and inspections to detect cracks in the adjacent butt strap and skin panel, and repair, if necessary. That proposal was prompted by reports of cracks in the vertical web of the center spar sealing angles of the wing.

This action revises the proposed rule by clarifying the proposed inspection requirements. For certain airplanes, this action would also revise the initial inspection thresholds and repetitive inspection intervals. The actions specified by this proposed AD are intended to prevent crack formation in the sealing angles; such cracks could rupture and lead to subsequent crack formation in the bottom skin of the wing, resulting in reduced structural integrity of the center spar section of the wing.

DATES: Comments must be received by July 5, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–44–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Holt, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2140; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–44–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–44–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to all Airbus Industrie Model A300–600 series airplanes, was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on December 22, 1992 (57 FR 60743). That supplemental NPRM would have required repetitive high frequency eddy current (HFEC) inspections to detect cracks in the center spar sealing angles adjacent to the pylon rear attachment, cold work, and replacement of any cracked parts. That supplemental NPRM would also have added inspections to detect cracks of the adjacent butt strap and skin panel, and repair, if necessary. That supplemental NPRM was prompted by reports of cracks in the vertical web of the center spar sealing angles of the wing. That condition, if not corrected, could result in crack formation in the sealing angles; such cracks could rupture and lead to subsequent crack formation in the bottom skin of the wing, resulting in reduced structural integrity of the center spar section of the wing.

Since issuance of that supplemental NPRM, the Air Transport Association (ATA) of America, on behalf of one of its members, requests that the proposed inspection requirements of paragraph (a) be revised to exclude those airplanes on which the modification described in Airbus Repair Drawing R571–40588 has been accomplished. ATA notes that accomplishment of this modification terminates the inspection requirements of proposed paragraph (a), but not those of proposed paragraph (b). The FAA concurs. Therefore, the FAA has revised paragraph (a) of this supplemental NPRM to exclude airplanes on which the modification described in Airbus Repair Drawing R571–40588 has been accomplished.

One commenter requests that the FAA revise the initial threshold and repetitive intervals for the proposed inspection in paragraph (a) for those airplanes on which the average flight time differs from the 2.1 hour norm by more than 10 percent. (The 2.1 hour average flight time is used to calculate the proposed compliance times.) The commenter maintains that, in such cases, the proposed compliance times should be recalculated, according to the adjustment formula provided in Airbus Industrie Service Bulletin A300–57–6027, dated October 8, 1991. The FAA concurs that the proposal does not account for those airplanes on which the average flight time differs from the norm. Therefore, the FAA has added a new paragraph (b) to this supplemental NPRM, stating that for those airplanes on which the average flight time differs from 2.1 hours by more than 10 percent, the proposed compliance times specified in paragraph (a) of the AD must be recalculated by multiplying by an adjustment factor obtained from the formula listed in the above referenced Airbus service bulletin.

The same commenter requests that, for clarification purposes, the FAA revise the requirements of proposed paragraph (c), to require replacement of the pair of sealing angles on the affected wing and cold work of the attachment holes in accordance with Airbus Repair Drawing R571–40589, rather than Airbus Service Bulletin A300–57–6027, dated October 8, 1991. The FAA concurs. While the proposal states correctly that replacement of the pair of sealing angles on the affected wing and cold work of the attachment holes must be performed in accordance with Airbus Service Bulletin A300–57–6027, dated October 8, 1991, the service bulletin refers operators to the above referenced Airbus repair drawing. Therefore, the FAA has revised paragraph (d) of this supplemental NPRM [designated as paragraph (c) in the existing supplemental NPRM] to include this revision.

The same commenter also requests that the FAA revise proposed paragraph (d) to refer correctly to accomplishment of repairs in accordance with Airbus Repair Drawing R571–40611, rather than Airbus Repair Drawing R571–40589. The FAA concurs that the

incorrect repair drawing was referenced in paragraph (d) of the proposal. Accordingly, the FAA has revised paragraph (e) of this supplemental NPRM [designated as paragraph (d) of the existing supplemental NPRM] to cite Airbus Repair Drawing R571–40611 as the appropriate service information source.

Cracks in the vertical web of the center spar sealing angles of the wing, if not detected and corrected, could result in crack formation in the sealing angles. Such cracks could rupture and lead to subsequent crack formation in the bottom skin of the wing, resulting in reduced structural integrity of the center spar section of the wing.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

There are approximately 118 Model A300–600 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 30 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $19,800, or $660 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 92–NM–44–AD.

Applicability: All Model A300–600 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the center spar section of the wing, accomplish the following:

(a) For those airplanes on which the modification described in Airbus Repair Drawing R571–40588 has not been accomplished: Perform high frequency eddy current (HFEC) inspections to detect cracks in the center spar sealing angles adjacent to Rib 8, in accordance with Airbus Industrie Service Bulletin No. A300–57–6027, dated October 8, 1991, at the times specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable:

(1) For airplanes that have accumulated less than 12,000 total landings as of the effective date of this AD: Prior to the accumulation of 12,000 total landings or within 2,000 landings after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 6,000 landings.

(2) For airplanes that have accumulated 12,000 total landings or more, but less than 14,000 total landings as of the effective date of this AD: Prior to the accumulation of 14,000 total landings or within 2,000 landings after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 6,000 landings.

(3) For airplanes that have accumulated 14,000 total landings or more as of the effective date of this AD: Prior to the accumulation of 500 landings after the effective date of this AD; and thereafter at intervals not to exceed 6,000 landings.

(b) For those airplanes on which the average flight time differs from 2.1 hours by more than 10 percent: For purposes of complying with this AD, the initial inspection thresholds and the repetitive inspection intervals specified in paragraph (a) of this AD must be multiplied by an adjustment factor obtained from the formula listed in paragraph 1.C.(3) of Airbus Industrie Service Bulletin A300–57–6027, dated October 28, 1991.

(c) For those airplanes on which the modification described in Airbus Repair Drawing R571–40588 has been accomplished: Prior to the accumulation of 15,000 landings after accomplishing the modification, or within 500 landings after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 6,000 landings, perform a HFEC inspection to detect cracks in the center spar sealing angles adjacent to Rib 8, in accordance with Airbus Industrie Service Bulletin No. A300–57–6027, dated October 8, 1991.

(d) If any crack is found in the center spar sealing angles, including cracking entirely through the sealing angle, as a result of the inspections required by paragraph (a), (b), or (e) of this AD, prior to further flight, replace the pair of sealing angles on the affected wing and cold work the attachment holes, in accordance with Airbus Repair Drawing R571–40589; and perform the repetitive inspections required by paragraph (c) of this AD.

(e) If any sealing angle is found to be cracked through entirely as a result of the inspections required by paragraph (a) or (c) of this AD, prior to further flight, perform additional inspections to detect cracks in the adjacent butt strap and skin panel, in accordance with paragraph 2.B.(5) of Airbus Industrie Service Bulletin No. A300–57–6027, dated October 8, 1991. If any crack is found in the adjacent butt strap and skin panel, prior to further flight, repair it in accordance with Airbus Repair Drawing R571–40611.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–12168 Filed 5–21–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearings for Proposed Establishment of a Nonessential Experimental Population of Black-footed Ferrets (Mustela Nigripes) in the Conata Basin/ Badlands Area of South Dakota

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearings.

SUMMARY: Notice is hereby given that the Fish and Wildlife Service is holding two public hearings to receive comments on a proposed rule for an experimental population designation for the black-footed ferret (*Mustela nigripes*) in portions of Pennington, Jackson, and Shannon Counties, South Dakota. Black-footed ferrets would be reintroduced only in the Conata Basin/Badlands area of Pennington County near Wall, South Dakota. Interested individuals, groups agencies, and others are invited to attend one or both of these hearings to make their views known about the proposed rulemaking and to provide comments on the draft Environmental Impact Statement concerning the reintroduction.

DATES: Public hearings will be held from 7 p m. to 10 p.m. One will be held on June 9, 1993, in Pierre, South Dakota; another will be held on June 10, 1993, in Rapid City, South Dakota. Public comments will be accepted from May 19, 1993, to July 19,1993.

ADDRESSES: The public hearings will be held in the Ramkota Inn, 920 West Sioux Avenue, Pierre, South Dakota, on June 9, 1993, and in the Howard Johnson Motor Lodge, 2211 LaCrosse Street, Rapid City, South Dakota, on June 10, 1993. Written comments concerning the proposal for nonessential experimental population of black-footed ferrets in south-western South Dakota can be sent to the State Supervisor, Ecological Services, Fish and Wildlife Service, 420 South Garfield Avenue, Pierre, South Dakota 57501.

SUPPLEMENTARY INFORMATION:

Background

On May 19, 1993 (58 FR 29176), the Fish and Wildlife Service (Service) published a proposed rule in the Federal Register for classifying black-footed ferrets (*Mustela nigripes*) as a nonessential experimental population in three counties (Pennington, Jackson, and Shannon Counties) of the Conata Basin/Badlands area, South Dakota. Black-footed ferrets would be reintroduced in portions of in the Badlands National Park and the Buffalo Gap National Grassland, where they would constitute a nonessential experimental population. In addition to preparing this proposed rule, the Service has worked in cooperation with the U.S. Forest Service and the National Park in preparing a draft Environmental Impact Statement (Statement) for this proposed reintroduction. The reintroduction efforts will use experimental techniques to establish a free-ranging wild population of black-footed ferrets as part of a national recovery effort. The two public hearings will provide interested parties an opportunity to make their views known on the proposed rulemaking and to comment on the draft Statement.

The proposed rule will change the legal status of the black-footed ferret within the defined experimental area from an endangered species to nonessential experimental as defined by section 10(j) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). In addition, black-footed ferrets would be reintroduced by releasing captive animals on public lands in a proposed reintroduction of about 17,000 hectares (42,000 acres) of mixed-grass prairie interspersed with barren land. The proposed experimental area contains public, private, and tribal lands in Pennington, Jackson, and Shannon Counties, South Dakota. However, all of the reintroduction area will be in Pennington County and on public lands that are administered by the U.S. Forest Service and National Park Service.

Other government agencies and members of the public contributed to the planning and evaluation of this proposal and the preparation of a Statement. A notice of intent to prepare a Statement was published on February 14, 1992 (57 FR 5415), and an amended notice of intent was published on January 22, 1993 (58 FR 5707). A State working group, which included various parties from agricultural, environmental, and governmental interests, was formed in 1988 to identify and nominate potential black-footed ferret restoration sites in South Dakota. In 1989, South Dakota Governor Mickelson requested that black-footed ferret restoration be addressed through a coordinated resource management process. As a result, a local level committee of interested parties representing ranching, agricultural, environmental, and governmental interests met six times. This committee did not reach consensus on a reintroduction plan, but was instrumental in identifying issues that needed to be addressed. Two public scoping meetings also were held, one on February 26, 1992, in Wall, South Dakota; the other on February 27, 1992, at Sioux Falls, South Dakota. The Service sent more than 300 notices of these scoping meetings to interested individuals, organizations, and agencies.

Author

The primary author of this notice is Douglas Searls, U.S. Fish and Wildlife Service (see **ADDRESSES** above).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: May 18, 1993.

Robert D. Jacobsen,

Acting Regional Director.

[FR Doc. 93–12172 Filed 5–21–93; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

Reef Fish Fishery of the Gulf of Mexico; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Public hearings on proposed Amendment 7 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public hearings on proposed Amendment 7 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, which proposes to develop a limited access system to replace the current moratorium on entry to the commercial red snapper fishery.

DATES: Written comments on the proposed actions must be received by June 28, 1993. See **SUPPLEMENTARY INFORMATION** for dates and times of the public hearings.

ADDRESSES: Send written comments to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL 33609. See **SUPPLEMENTARY INFORMATION** for locations of the public hearings.

FOR FURTHER INFORMATION CONTACT:

Steven M. Atran, Gulf of Mexico Fishery Management Council, 813–228–2815.

SUPPLEMENTARY INFORMATION: Proposed Amendment 7 includes the following actions: (1) Implementation of an effort management system to replace or supplement the current rules governing commercial harvest of red snapper in the Gulf of Mexico (the preferred option is to implement an individual transferable quota system); (2) consideration of specific implementation options to govern initial and subsequent allocations and administration of an effort management system; (3) revision of the termination date of the reef fish permit moratorium either to extend, shorten, or maintain the existing termination date of May 1995; (4) consideration of a series of options affecting general enforceability of reef fish management rules including dealer permitting; requiring that red snapper on vessels be stored in separate containers of specified sizes; permitting vessels for charter or commercial fishing, but not both; applying the greater amberjack size and bag limits to all amberjack species in the Gulf of Mexico, including lesser amberjack, Almaco jack, and banded rudderfish; converting the amberjack size limit regulations from fork length to total length; prohibiting commercial permitted reef fish vessels from possessing a recreational bag limit; and requiring that red snapper be offloaded from vessels only between the hours of 8 a.m. and 5 p.m.; and (5) adjustment of the proposed implementation and moratorium of fish trap endorsements and permits to allow transfer of endorsements and permits to occur between members of the immediate family.

Twelve public hearings are scheduled at various locations to obtain public comment on the proposed and alternative options. All hearings will begin at 7 p.m. and adjourn at 11 p.m. and will be held on the following dates at the following locations:

1. Monday, June 7, 1993—Boothville Community Center, Highway 23, Boothville, LA (504–657–7202);

2. Tuesday, June 8, 1993—American Legion Hall, 5610 College Road, Key West, FL (305–294–7117);

3. Tuesday, June 8, 1993—Gulf Coast Research Laboratory, J.L. Scott Marine Education Center and Aquarium Auditorium, 1650 East Beach Boulevard, Biloxi, MS (601–374–5550);

4. Wednesday, June 9, 1993—Mote Marine Laboratory, Laboratory Seminar Room, 1600 Thompson Parkway, Sarasota, FL (813–338–4441);

5. Wednesday, June 9, 1993—Stouffer Riverview Plaza Hotel, Alabama I Room, 64 Walter Street, Mobile, AL (205–438–4000);

6. Thursday, June 10, 1993—Pensacola Civic Center, room D, 201 East Gregory Street, Pensacola, FL (904–432–0800);

7. Thursday, June 10, 1993—National Marine Fisheries Service, Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL (904–234–6541);

8. Monday, June 14, 1993—Port Isabel Community Center, Corner of Yturria and Maxan, Port Isabel, TX (512–943–2682);

9. Tuesday, June 15, 1993—University of Texas, Visitor's Center Auditorium, Marine Science Institute, 750 Channel View Drive, Port Aransas, TX (512–749–6729);

10. Wednesday, June 16, 1993—Holiday Inn on the Beach, Ballroom S, 5002 Seawall Boulevard, Galveston, TX (409–740–3581);

11. Thursday, June 17, 1993—Police Jury Annex, Courthouse Square, Cameron, LA (318–775–5718); and

12. Friday, June 18, 1993, Grade Isle Community Center, Highway 1, Grand Isle, LA (504–787–3500)

Dated: May 19, 1993.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–12214 Filed 5–21–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 98
Monday, May 24, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Southern Region; Exemption From Appeal of the Decision To Salvage Storm Damaged Timber on the Yellowpine Ranger District of the Sabine National Forest, Texas

AGENCY: Forest Service, USDA.

ACTION: Notice; exemption of decision from administrative appeal.

SUMMARY: Pursuant to 36 CFR 217.4(a)(11), the Regional Forester for the Southern Region has determined that good cause exists and notice is hereby given to exempt from administrative appeal the decision to salvage dead and dying trees that were damaged by a windstorm on the Yellowpine Ranger District of the Sabine National Forest. A portion of the storm-damaged trees have already become infested with southern pine beetles (SPB). In addition, high temperatures have created conditions suitable for the rapid spread of blue stain fungi in dead pine trees. If not salvaged quickly, these trees will have substantially reduced value for wood products. Any SPB infestations present are likely to spread beyond the storm-damaged area and infest presently healthy trees in the surrounding area causing additional loss of timber resources.

EFFECTIVE DATE: May 24, 1993.

FOR FURTHER INFORMATION CONTACT: Questions about the exemption should be directed to Jean P. Kruglewicz, Appeals and Litigation Group Leader, Southern Region, Forest Service-USDA, 1720 Peachtree Road NW., Atlanta, GA 30367 (404) 347–4867.

SUPPLEMENTARY INFORMATION: On April 14, 1993, a windstorm damaged or destroyed trees within an area covering approximately 2,450 acres south of the Housen Bayou cove of Toledo Bend Reservoir and north of Six Mile Creek on the Yellowpine Ranger District of the Sabine National Forest. Many of the trees were broken, uprooted, or killed while others sustained damage and will not survive. The timber stands severely affected by this windstorm are in need of salvaging of the merchantable trees killed or heavily damaged. High temperatures and humidities, characteristic of East Texas springtime, create conditions conducive to the rapid spread of blue stain fungi, and deterioration of recently killed pine timber.

Two Red-cockaded woodpecker (RCW) colonies and their adjacent replacement stands received damage. In addition, several recruitment and foraging stands were damaged.

Presently, there are several active SPB infestations in the surrounding area, and the probability of additional damaged trees becoming infested is high. Any SPB infestations occurring in the damaged areas could spread to adjacent, presently healthy trees, including RCW colonies and habitat unless they are controlled rapidly.

An analysis is currently underway on the proposed action to salvage dead or heavily damaged trees. Given the present condition of the damaged trees and their susceptibility to infestation by SPB, the need for action is critical. Any delay will result in these trees having substantially reduced value for wood products and will place adjacent healthy trees at risk to SPB infestation, further impacting RCW habitat.

Dated: May 17, 1993.

Ralph F. Mumme,

Acting Deputy Regional Forester.

[FR Doc. 93–12171 Filed 5–21–93; 8:45 am]
BILLING CODE 3410–11–M

Savant Sage Resource Area; Idaho Panhandle National Forests, Kootenai County, ID

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The notice is hereby given that the Forest Service is gathering information in order to prepare an EIS (Environmental Impact Statement) for a proposal to harvest timber and build roads in a portion of the Savant Sage Resource Area. The area is located approximately 5 miles east of Athol, Idaho, and is approximately 8,000 acres in size. There would be approximately 22 timber harvest units, treating 536 acres, with regeneration of 461 acres.

A "Leave it Green" approach would be utilized on the majority of the treated acres, with approximately 288 acres (8 units) harvested under a group selection prescription. Approximately 70 acres (2 units) would be harvested under a group shelterwood prescription; 74 acres (5 units) under a group seed tree prescription; 74 acres (3 units) under a commercial thin prescription; 18 acres (2 units) under a clearcut prescription; and 12 acres (2 units) under a seed tree prescription. Approximately 1.6 miles of new road would be constructed to access the harvest units, with 5.1 miles of road reconstruction.

Management activities would be administered by the Fernan Ranger District of the Idaho Panhandle National Forests in Kootenai County, Idaho. This EIS will tier to the Forest Plan (September 1987) which provides the overall guidance (Goals, Objectives, Standards and Guidelines, and Management Area direction) in achieving the desired future condition for this area. The purpose and need for the proposed action encompasses a landscape-level approach to ecosystem management, with emphasis on addressing water resource needs of local residents.

The Forest Service also serves notice that the agency is seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparing the Draft EIS. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Identification of additional reasonable alternatives.
5. Identification of potential environmental effects of the alternatives.
6. Determination of potential cooperating agencies and task assignments.

Preparation of an Environmental Assessment was initiated in March, 1992, to examine potential timber harvest in this area. Substantial public involvement and data collection

activities have occurred. The level of concern expressed by the public indicated a high sensitivity level concerning personal use of water resources in the area, the importance of visual resources to both local residents and seasonal visitors to the area, and the complexity of the area as a whole. The work that occurred in preparation for the Environmental Assessment will be used as a basis for the Environmental Impact Statement. Many suggestions from the public helped to shape the preliminary alternatives under consideration. Those alternatives will not be disregarded in the EIS; they will be fully analyzed along with any additional alternatives, based on all significant issues identified during the EIS scoping process. The purpose of preparing the Environmental Impact Statement is not to circumvent the scoping, alternative development and analysis that has already occurred; the purpose is to provide the public with additional time to comment, to ensure that no significant concerns or suggestions are missed.

The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed. For most effective use, comments should be sent to the agency within 45 days from the date of publication in the **Federal Register**. Written comments concerning the scope of the analysis must be received within 45 days from the date of publication in the **Federal Register**.

ADDRESSES: Send written comments to District Ranger, Fernan Ranger District, 2502 E. Sherman Avenue, Coeur d'Alene, ID 83814.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and environmental impact statement should be directed to Sherri Lionberger, Acting Planning Staff Officer, Fernan Ranger District, Idaho Panhandle National Forests, 2502 East Sherman Avenue, Coeur d'Alene, ID 83814. Phone: (208) 769–3000.

SUPPLEMENTARY INFORMATION: The Forest Plan provides the overall guidance for management activities in the potentially affected area through its Goals, Objectives, Standards and Guidelines, and Management Area direction. The potentially affected area is within the following Management Areas:

Management Area 1: Consists of lands designated for timber production. The goals are to manage those lands suitable for timber production for the long-term growth and production of commercially valuable wood products as well as provide for soil and water protection, wildlife habitat, dispersed recreation opportunities and visual quality.

Management Area 6: Consists of lands designated for management of big-game summer range, to provide sufficient habitat to support projected elk populations, and to provide for the long-term growth and production of wood products;

Management Area 9: Consists of non-forest lands or lands not capable of timber production. Management goals are to maintain and protect existing improvements and resource productive potentials.

Management Area 19: Consists of lands to be managed for semi-primitive recreation and timber production. Management goals are to manage the semi-primitive recreation setting in a near-natural appearing condition while managing wildlife habitat and the timber resource through scheduled low levels of timber harvest within minimum standard interior roads.

A range of alternatives will be considered. One of these will be the "no-action" alternative, in which current management of the area would continue, and timber harvest and associated road building would be deferred. Other alternatives will examine the effects of timber harvest, varying in the volume harvested, silvicultural systems, and miles of road construction.

The Forest Service will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives.

Public participation will be important during the analysis. People may visit with Forest Service officials at any time during the analysis and prior to the decision, however, two periods of time are specifically identified for the receipt of comments: During the scoping process, and in the review of the Draft EIS (July 1993).

During the scoping process, the Forest Service is seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action.

Meetings with area residents, organizations, and other agencies will be scheduled as needed.

The draft environmental impact statement (DEIS) is expected to be available for public review in June, 1993. After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by September, 1993. The Forest Service will respond to the comments received in the FEIS. The District Ranger is the responsible official for this EIS, and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: May 12, 1993.

Donald J. Bright,

District Ranger, Fernan Ranger District, Idaho Panhandle National Forests.

[FR Doc. 93–12154 Filed 5–21–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Annual Survey of State Tax Collections.

Form Number(s): F–5, F–5A, F–5–L1, F–5–L2.

Agency Approval Number: 0607–0046.

Type of Request: Reinstatement of a previously approved collection for which approval has expired.

Burden: 109 hours.

Number of Respondents: 79.

Avg Hours Per Response: 1 hour and 23 minutes.

Needs and Uses: This form is used to collect information on the annual tax collections of each state and the District of Columbia. The data collected are a key component of the national income accounts maintained by the Department of Commerce, are used in long established Census Bureau reports in the government finance series, and provide important information to officials and researchers in the analysis of state government finances. The Bureau of Economic Analysis uses the state tax data to prepare estimates of several components of the national income and product accounts. State tax officials and academic researchers use these tax collection data to determine relative burdens and trends among the states and on a nationwide basis. Private commercial and industrial firms use state tax burden as one element in determining business location.

Affected Public: State or local governments.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 18, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–12151 Filed 5–21–93; 8:45 am]

BILLING CODE 3510–07–F

International Trade Administration

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Notice of Decision of Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of panel.

SUMMARY: By a decision dated May 6, 1993, the Binational Panel affirmed in part and remanded in part the final affirmative countervailing duty determination made by the U.S. Department of Commerce, International Trade Administration respecting Certain Softwood Lumber Products from Canada (Secretariat File No. USA–92–1904–01). A copy of the complete panel decision is available from the Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Review, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The Rules were further amended and a consolidated version of the amended Rules was published in the **Federal Register** on June 15, 1992 (57 FR 26698). The panel review in this matter was conducted in accordance with these Rules.

Background

On May 28, 1992, the U.S. Department of Commerce ("Commerce") published its final affirmative countervailing duty determination duty finding that the stumpage systems of Alberta, British Columbia, Ontario and Québec conferred a weighted average subsidy of 2.91% on softwood lumber exports. The individual provinces were assessed the following rates: Alberta—1.25%; B.C.—3.30%; Ontario—5.95% and Québec—0.01%. Commerce further determined that British Columbia's log export regulations conferred a subsidy of 4.65% on softwood lumber producers in that province, yielding a weighted average subsidy of 3.60%. Taken together, Commerce assessed a "country-wide" weighted average rate of 6.51% on softwood lumber exports from all provinces and territories under investigation.

Binational Panel Review was requested on a timely basis by the Government of Canada, a number of Canadian provincial governments, and several other Canadian interested persons. The Coalition for Fair Lumber Imports also filed a complaint about certain findings in Commerce's final determination.

Panel Decision

On May 6, 1993, the Binational Panel affirmed in part and remanded in part the final determination. On the remand the Panel ordered that Commerce:

(a) With regard to provincial stumpage programs:

(1) Undertake an express evaluation and weighing of all four factors enunciated in its Proposed Regulations, as well as any other factors relevant to *de facto* specificity and;

(2) Consider whether or not the provincial programs could and did have a distorting effect on the operation of normal competitive markets before concluding that these governmental policies involve the type of "preferential" pricing that constitutes a countervailable subsidy within the meaning of the Tariff Act, and a review of all the evidence regarding the natural resource market for standing timber in light of the legal principles formulated in the decision;

(b) With regard to log export restrictions:

(1) Review the record and establish whether the log export restrictions are *de jure* specific or *de facto* specific and;

(2) Clarify the meaning of the applicable legal standard for a countervailable subsidy and demonstrate that the standard was met by substantial evidence on the record;

(c) Consider the exclusion requests of two Québec companies, Les Industries Maibec and Materiaux Blanchet; and

(d) Provide further information as to the participation of a former employee of the Coalition for Fair Lumber Imports in the investigation and final determination.

Two of the panelists would have found log export restrictions not to be countervailable and therefore dissented from the findings of the majority on log export restrictions. In light of their position on this issue, these panelists did not take a position on the following findings concerning certain calculation issues, in which Commerce was directed by the majority of the panel on remand:

(a) To consider whether the areas in British Columbia that Commerce relied upon to calculate the benefit should be expanded;

(b) To recalculate the domestic log prices for the border interior using the log Purchase Price Index;

(c) To determine a species/grade adjustment for logs from the interior of British Columbia supported by substantial evidence on the record;

(d) To expressly consider which of the Margolick-Uhler elasticities assumptions for supply and demand Commerce will adopt for purposes of calculating the equilibrium price factor;

(e) To reconsider the economic adjustment made to export price; and

(f) To either recalculate the export cost adjustment to include the diminished value of the falldown sort or to adopt a within-grade adjustment.

The Binational Panel instructed Commerce to provide its determination on remand within 90 days of the panel decision (by August 4, 1993).

Dated: May 18, 1993.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 93–12150 Filed 5–21–93; 8:45 am]

BILLING CODE 3510–GT–M

National Oceanic and Atmospheric Administration

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Issuance of scientific research permit (P535).

SUMMARY: On March 30, 1993, notice was published in the **Federal Register** (58 FR 16652) that an application had been filed by Mr. Stephen J. Insely and Dr. Peter Marler, Animal Communication Laboratory, University of California, Davis, California 95616–8761 for a Permit to conduct scientific research on up to 210 northern fur seals (*Callorhinus ursinsus*). Of these, up to 100 fur seals (50 females/50 pups) may be bleach marked and tagged with plastic All-Flex tags or metal monel tags and up to 110 fur seals may be inadvertently harassed during construction of blinds and during video and audio acoustic playback experiments over a two-year period.

Notice is hereby given that on May 17, 1993, as authorized by the provisions of the Marine Mammal Protection Act (MMPA) of 1972 (16 U.S.C. 1362-*et seq.*), the Fur Seal Act (16 U.S.C. 1151–1175) the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The application and accompanying documentation satisfy the issuance criteria for scientific research permits. The requested activities are consistent with the purposes and policies of the MMPA. The research will further a *bona fide* scientific purpose that does not involve unnecessary duplication of other research.

The Permit and accompanying documentation are available for review, by appointment, in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., Silver Spring, MD 20910 (301/713–2289); and

Director Alaska Region, National Marine Fisheries Service, Federal Annex, 9109 Mendenhall Mall Rd., suite 6 Juneau, AK 99802 (907/586–7221).

Dated: May 17, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–12170 Filed 5–21–93; 8:45 am]

BILLING CODE 3510–33–M

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

Filing of Summer of Service Evaluation Forms

AGENCY: Commission on National and Community Service.

ACTION: Notice.

SUMMARY: The Commission on National and Community Service (CNCS) has sent to the Office of Management and Budget (OMB) a request for expedited clearance, by June 3, 1993, of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by June 1, 1993.

ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202–395–6880). In addition, copies of such comments may be sent to Mr. Dick Staufenberger, The Commission on National and Community Service, National Press Building, suite 452, 529 14th Street NW., Washington, DC 20045; (202–724–0600).

FOR FURTHER INFORMATION CONTACT: Mr. Dick Staufenberger, The Commission on National and Community Service, National Press Building, Suite 452, 529 14th Street NW., Washington, DC 20045; (202–724–0600).

SUPPLEMENTARY INFORMATION: The Commission on National and Community Service requests the review of a new collection of information. This entry is issued by the Commission on National and Community Service and contains the following information: (1) The title of the forms; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: FY 93 Summer of Service Evaluation

Frequency of Collection: Most forms one time—activity forms biweekly

Respondents: Team leaders, participants, and program directors

Use: Evaluation forms elicit relevant information from team leaders, participants, and program directors

Estimated Number of Respondents: 1500

Average Burden Hours Per Response: 0.33

Total Estimated Burden: 450 hours.

Dick Staufenberger,

Deputy Director, Commission on National and Community Service.

[FR Doc. 93–12231 Filed 5–21–93; 8:45 am]

BILLING CODE 6050–SA–M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 93–1–DRD]

1992 Audio Home Recording Act Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

SUMMARY: The Copyright Royalty Tribunal directs all claimants to the 1992 Audio Home Recording Act (AHRA) Funds to submit comments regarding the status of any settlement negotiations. All claimants intending to participate in the 1992 distribution proceeding shall include with their comments a Notice of Intent to Participate.

DATES: Comments are due no later than June 30, 1993.

ADDRESSES: An original and five copies of the comments shall be addressed to Chairman, Copyright Royalty Tribunal, 1825 Connecticut Avenue NW., suite 918, Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Linda R. Bocchi, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue NW., suite 918, Washington, DC 20009, (202) 606–4400.

SUPPLEMENTARY INFORMATION: This notice is issued to direct the claimants to the 1992 AHRA Funds to report, to the Tribunal, the status of any settlement negotiations. The Tribunal notes that on March 30, 1993, the American Society of Composers, Authors Publishers; Broadcast Music, Inc.; SESAC, Inc.; The Harry Fox Agency, Inc., a licensing subsidiary of the National Music Publishers' Association, Inc.; The Songwriters Guild of America; Copyright Management, Inc.; and the Gospel Music Coalition filed a joint statement reporting that they had reached a settlement among themselves in the 1992 Writers and Publishers Subfunds of the Musical

Works Fund. However, since this settlement is not a global settlement, a controversy remains in the Musical Works Fund. To date the Tribunal has received no other reports regarding settlement negotiations in the 1992 distribution proceeding. As is standard practice, the Tribunal encourages the parties to reach a global settlement in this proceeding.

The Tribunal also directs all claimants to the 1992 AHRA Funds, who intend to participate in the distribution proceeding, to include in their comments a Notice of Intent To Participate. Comments are due no later than June 30, 1993.

Dated: May 19, 1993.

Cindy Daub,

Chairman.

[FR Doc. 93–12244 Filed 5–21–93; 8:45 am]

BILLING CODE 1410–09–M

DEPARTMENT OF EDUCATION

Indian Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIME: June 27, 1993, from 9 a.m. to approximately 5 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 333 Main Street, Green Bay, Wisconsin, 54301, 414/432–4555.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., room 4072, Switzer Building, Washington, DC 20202–7556. Telephone: 202/205–8353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (Part C, Title V, Pub. L. 100–297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

The meeting is open to the public and will include a general business meeting, Council activity status report and finalize plans for the coming fiscal year. Time will also be available on the agenda for any comments from interested individuals concerning issues related to Indian education.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202–7556 from the hours of 9 a.m. to 4:30 p.m. Monday through Friday.

Dated: May 6, 1993.

Robert K. Chiago,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 93–12213 Filed 5–21–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Delivery of the Canadian Entitlement; Intent To Prepare an Environmental Impact Statement and Notice of Scoping Meetings

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of intent to prepare a National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, environmental impact statement (EIS) and to conduct scoping meetings.

SUMMARY: To meet the obligations of the Columbia River Treaty (Treaty) between Canada and the United States of America (U.S.), the U.S. must deliver to Canada the downstream power benefits (Entitlement) to which Canada is entitled under the Treaty. The Administrator of BPA, as the chairman of the U.S. Entity representing the United States Government under the Treaty, proposes to reach an agreement with the Canadian Entity for the delivery of the Entitlement to British Columbia (B.C.). The process for reaching an agreement will include negotiations regarding a point of delivery and consultations regarding proposals for sale of the Entitlement in the U.S.

The Entities are considering a range of alternatives for delivering the Entitlement. The components of these alternatives include delivering the power to Oliver, B.C.; agreeing to deliver to points other than Oliver; arranging for the parties to pay for the construction of generating facilities in B.C.; or selling some or all of the Entitlement. Combinations of these components are likely to make up the alternatives considered by the Entities.

BPA is preparing an EIS to assess the potential environmental effects of the various alternatives for delivering the Canadian Entitlement, and to fulfill NEPA requirements. The U.S. Department of State will participate as a cooperating agency for the purposes of the EIS process. To ensure that the full range of issues related to delivering the Canadian Entitlement is addressed, comments on the proposed scope, alternatives, and content of the EIS are invited from all interested parties.

DATES: The scoping meetings will be held in the following locations on the following dates:

- Spokane, Washington, June 8, 1993, 7 p.m.–9 p.m., Spokane Community College, Lair Building #6, Sasquatch Room, 810 Green Street, Spokane, WA
- Seattle, Washington, June 9, 1993, 7 p.m.–9 p.m., Radisson Hotel, Satellite Room, 17001 Pacific Highway S. Seattle, WA
- Portland, Oregon, June 10, 1993, 3 p.m.–7 p.m., Holiday Inn—Portland Airport, Durango and Tijuana Rooms, 8439 NE Columbia Blvd., Portland, OR
- Pasco, Washington, June 14, 1993, 3 p.m.–7 p.m., Red Lion Hotel, Bronze Room, 2525 N. 20th Ave., Pasco, WA

The meetings will be publicized by general announcement as well as by written invitation to known interested parties. Written comments are invited as well, and should be submitted by June 30, 1993, to the Pubic Involvement Manager at the address below. Comments received after this date will be considered to the extent practicable. Both written and oral comments will be given equal weight in the scoping process.

ADDRESSES: To have your name placed on the mailing list for this project, to submit comment letters, or to receive a copy of the Draft EIS when it becomes available, write to the Public Involvement Manager, Bonneville Power Administration—ALP, Post Office Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Alton, Environmental Coordinator for the Office of Energy Resources—RAE, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503–230–5878. You may also contact BPA's Public Involvement Office at 503–230–3478, or toll-free 1–800–622–4519. Information may also be obtained from:

Mr. George Bell, Lower Columbia Area Manager, suite 243, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4558.

Mr. Robert N. Laffel, Eugene District Manager, room 206, 211 East Seventh

Avenue, Eugene, Oregon 97401, 503–465–6958.
Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561, 920 West Riverside Avenue, Spokane, Washington 99201, 509–353–2515.
Ms. Carol Fleischmann, Spokane District Manager, room 112, 920 West Riverside Avenue, Spokane, Washington 99201, 509–353–3279.
Mr. George E. Eskridge, Montana District Manager, room 307, 800 Kensington, Missoula, Montana 59801, 406–329–3060.
Mr. Ronald K. Rodewald, Wenatchee District Manager, room 307, 301 Yakima Street, Wenatchee, Washington 98801, 509–662–4377, extension 379.
Mr. Terence G. Esvelt, Puget Sound Area Manager, suite 400, 201 Queen Anne Avenue North, Seattle, Washington 98109–1030, 206–553–4130.
Mr. Thomas V. Wagenhoffer, Snake River Area Manager, 1520 Kelley Place, Walla Walla, Washington 99362, 509–522–6225.
Ms. Jerry Leone, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.
Mr. James Normandeau, Boise District Manager, room 450, 304 North Eighth Street, Boise, Idaho 83702, 208–334–9137.

FOR INFORMATION ON DOE NEPA PROCEDURES OR THE STATUS OF A NEPA REVIEW CONTACT: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–4600 or 1–800–472–2756.

SUPPLEMENTARY INFORMATION: On January 17, 1961, the U.S. signed the Treaty with the Canadian government regarding international cooperation in the water resource development of the Columbia River Basin in Canada. The Treaty was ratified in 1964, and arrangements were made to sell the first 30 years of Canada's downstream power benefit to a group of U.S. utilities. To aid implementation of the Treaty, provision was made for appointment of U.S. and Canadian Entities. The U.S. Entity is the Administrator of BPA and the Division Engineer, North Pacific Division, U.S. Army Corps of Engineers. British Columbia Hydro and Power Authority (B.C. Hydro) became the Canadian Entity.

The Treaty provided for three dams—Duncan, Keenleyside, and Mica—to be constructed in British Columbia for flood control and to increase usable hydroelectric power generating potential in both Canada and the U.S. The Treaty also allowed the U.S. to construct Libby Reservoir, which backs up water 42 miles into Canada, in Montana. Under the terms of the sale, the U.S. made a lump sum payment which helped fund the construction of the Treaty projects in B.C. Both countries received a large block of power and substantial flood control benefits.

Canada received entitlement to one-half of the increase in downstream hydropower benefits generated in the U.S. resulting from the coordinated operation of the Columbia River System through additional storage of water in the Treaty reservoirs. These downstream power benefits are known as the Canadian Entitlement. The Treaty specified that the Canadian Entitlement be delivered to Canada at a point on the boundary near Oliver, B.C., unless agreement was made on another point of delivery. The treaty also provided, however, that if Canada and the U.S. agreed, Canada could sell its share of the downstream power benefits in the United States. Canada did not need the additional power at the time. Accordingly, the Entitlement was sold to the Columbia Storage Power Exchange (CSPE), a nonprofit corporation representing a group of 41 electric utilities in the U.S., for a period of 30 years from the completion dates of the three dams. These 30-year periods expire in 1998, 1999, and 2003.

Since neither BPA and BC Hydro presently have transmission facilities to deliver the Entitlement to a point on the boundary near Oliver, B.C., either new transmission facilities must be built, or alternative arrangements must be made. In order to allow enough time to complete either the transmission facilities or negotiations for an alternative arrangement, the U.S. and Canadian Entities signed an interim agreement in July 1992 to deliver the Entitlement over existing transmission facilities to the Canada-U.S. boundary between 1998 and 2003.

The process of examining alternatives to delivering the Canadian Entitlement to Oliver, B.C. started in April 1993. The Entities are considering a range of options, including delivering the Entitlement to Oliver, agreeing to deliver to points other than Oliver, arranging for the parties to pay for the construction of alternate power facilities in B.C., or selling some or all of the Entitlement. It is likely that these options will be the components of the alternatives considered by the Entities in reaching an agreement that benefits both.

In order to provide environmental information to the decision makers, BPA is preparing an EIS on the Delivery of the Canadian Entitlement. The U.S. Department of State will participate as a cooperating agency. This program-level EIS will evaluate the potential environmental effects of the various alternatives. A more detailed, site-specific environmental review tiered to this EIS may be undertaken, as warranted, after a tentative agreement has been reached.

To meet the underlying need of fulfilling the U.S. obligations under the Treaty, BPA needs to deliver the Canadian Entitlement at a point on the U.S -Canada boundary near Oliver, B.C., or at such other place agreed upon by the two Entities. The purposes are to:

- Fulfill the U.S. Treaty obligation cost-effectively;
- Avoid or minimize adverse environmental effects of fulfilling the U.S. Treaty obligations; and
- Develop means for the U.S. to fulfill its Treaty obligations that are also acceptable to Canada.

Alternatives

The alternatives to the Treaty-specified delivery of power at the Canada-U.S. boundary at a point near Oliver, B.C. can only be implemented if there is agreement between the U.S. and Canadian entities, or, in the case of a disposition of the Entitlement in the U.S., by the federal governments of Canada and U.S. Since the possible components of the ultimately agreed upon alternatives are known, but not the final configuration of the alternatives, the Draft EIS will focus on the potential environmental impacts of each of the possible components. The environmental consequences of the alternatives that are ultimately agreed upon will then be determined from the components and presented in the EIS.

At this time, the components being considered for evaluation in the EIS fall into three categories: (1) Delivery of the Entitlement at one or more of three possible points of delivery—a point on the Canada-U.S. boundary in the vicinity of Oliver, B.C., a point on the boundary near Blaine, Washington, or a point on the boundary near Boundary Substation at Boundary Dam, north of Metaline Falls, Washington—over existing, upgraded, or new transmission lines, (2) delivery through payment for a new resource, including conservation, in B.C., and (3) purchasing the Entitlement from Canada, involving various combinations of capacity and energy purchases. The EIS will include a No Action Alternative, as required by the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA.

Identification of Environmental Issues

There are a number of issues presently identified relating to the components and alternative above. For the delivery alternative components, there are several transmission system actions that would need to be

completed. For the Oliver point of delivery, a new transmission line would be required, possibly between Grand Coulee Dam, Washington, and a point on the boundary in the vicinity of Oliver, B.C. For the Blaine point of delivery, the cross-Cascade transmission lines in Washington may need to be upgraded or new lines constructed in order to provide more capacity to transfer power from the hydropower plants east of the Cascades to the Blaine area. In order to deliver more than 300 megawatts at the Boundary Dam point of delivery, upgrades may be needed to the transmission lines between Boundary Dam and Selkirk Substation near Nelway, B.C.

Potential environmental impacts that will be addressed for the transmission line alternative components include: (1) Impacts to land uses on agricultural and orchard lands, residential areas, and Indian reservations; (2) impacts to endangered species, wildlife, and special status plant species; (3) visual impacts from the addition of new or upgrading of existing transmission lines to the landscape; (4) impacts to soils (erosion), aquatic habitats, wetlands, and floodplains; (5) impacts on cultural resources and Native American sacred sites; (6) socioeconomic effects from the influx of construction workers in sparsely populated areas and from removing the right-of-way from the local tax base through Federal ownership; (7) potential health effects associated with electric and magnetic fields; (8) requirements for new rights-of-way and potential acquisition of land for associated facilities; and (9) consistency with Tribal, State, and local environmental land use regulations and plans.

The purchase alternative components could have varying impacts, depending upon the combination of energy and capacity purchases arranged. Potential impacts include generating system operation impacts and air and water quality impacts. Potential impacts from adding new resources or increasing conservation include system operation impacts, air quality impacts, water quality impacts, and land use impacts. The No Action alternative would not fulfill the Treaty obligation and would lead to unacceptable legal, political, and social consequences. However, there is a legal requirement (pursuant to NEPA) to consider the No Action alternative in the EIS. All of these issues and potential impacts, together with any additional issues identified through the scoping process, will be examined in the EIS.

Issued in Portland, Oregon, on May 19, 1993.

Randall W. Hardy,

Administrator, Bonneville Power Administration.

[FR Doc. 93–12286 Filed 5–20–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. RM87–5–011; CP87–238–002]

Inquiry Into Alleged Anticompetitive Practices Related to Marketing Affiliates of Interstate Pipelines

May 20, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Request for expedited Office of Management and Budget (OMB) review of data request.

SUMMARY: Pursuant to § 1320.15 and § 1320.18 of OMB's regulations, the Federal Energy Regulatory Commission (Commission) is submitting to OMB a request for expedited review of an information collection requirement concerning the transactions between interstate pipelines and their affiliated pipelines (FERC Form 592, OMB Control No. 1902–0157). The Commission requires this information in order to administer regulatory programs that implement mandates of the Natural Gas Act of 1938 (NGA) and the Natural Gas Policy Act of 1978 (NGPA). The information is used by the Commission to monitor the transportation transactions of interstate pipelines and their marketing affiliates or brokering companies to deter undue discrimination by pipeline companies in favor of their marketing affiliates.

DATES: Comments are due to OMB by May 25, 1993. The Commission is requesting OMB clearance of the data collection by no later than 5 p.m., May 28, 1993.

ADDRESSES: Send Comments to:

Michael Miller, Federal Energy Regulatory Commission, Information Policy and Standards Branch, 941 North Capitol St., N.E., Washington, DC 20426.

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Energy Regulatory Commission, Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: Michael Miller, (202) 208–1415, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to §§ 1320.15 and 1320.18 of OMB's regulations, the Commission is seeking expedited OMB approval of an information collection requirement concerning transactions involving interstate pipelines and their affiliate pipelines (FERC Form 592). These reporting requirements were extended by the Commission in Order 497–D from December 31, 1992 to December 31, 1993. Order 497–D issued on December 4, 1992 responds to the U.S. Court of Appeals of the District of Columbia remand of the Commission's orders which upheld in substantial part Order Nos. 497 and 497–A, the Commission's final rule governing the relationship between interstate natural gas pipelines and their marketing or brokering affiliates. The court also remanded for further consideration the Commission's extension of the rule's contemporaneous disclosure requirement to gas sales and marketing information and whether a joint-venture, project financed, pipeline company should be considered "affiliated" with marketing affiliates of parent pipeline companies and therefore subject to the rule. The Commission's order narrows the scope of the contemporaneous disclosure requirement with respect to sales and marketing information. The order also recognizes the fundamental restructuring of the interstate natural gas industry mandated by the Commission's Order 636 and provides for the gradual phase out of FERC Form 592 as individual pipelines come into full compliance with Order 636.

In response to Order 497–D, OMB gave conditional approval of FERC–592 until May 31,1993. Likewise, industry commenters have sought rehearing of the Commission's order to seek a determination of the need for the reporting requirements associated with FERC–592. In order that the Commission may address the issues raised by the commenters, the Commission is requesting an extension of the current OMB expiration date to be consistent with the extension date of Order 497–D.

The respondents are 61 interstate natural gas pipeline companies. The current annual reporting burden is estimated to be 7,882 hours for FERC Form No. 592. This burden is based on an estimated average of 9.94 hours per filing for the respondents to complete 793 filings of FERC Form 592. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and obtaining data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of this information collection to Mr. Michael

Miller, Information Policy and Standards Branch, Federal Energy Regulatory Commission, 941 N. Capitol Street, NE. Washington, DC 20426 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Energy Regulatory Commission, Washington, DC 20503. The telephone number for the OMB Desk Officer is (202) 395–3084, the facsimile number is (202) 395–5167. Comments to OMB should be submitted on or before May 25, 1993 in order to provide adequate time for OMB to review the comments on the data request.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12423 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF89–7–002]

Brush Cogeneration Partners; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

May 18, 1993.

On May 14, 1993, Brush Cogeneration Partners of 303 East Seventeenth Avenue, suite 1070, Denver, Colorado 80203, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the natural gas fueled cogeneration facility is located in Brush, Colorado. The Commission previously certified the facility as a 118 MW cogeneration facility which was to be constructed in two phases. Thermal energy recovered from the facility was to be used for space heating and cooling of a greenhouse. The instant request for recertification is primarily due to the reduction in facility's operating hours and the size of the greenhouse from 18 to 15 acres. All other technical and ownership aspects of the facility remain unchanged.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12159 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER92–91–001, et al.]

Montaup Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

May 17, 1993.

Take notice that the following filings have been made with the Commission:

1. Montaup Electric Company

[Docket No. ER92–91–001]

Take notice that on May 10, 1993, Montaup Electric Company tendered for filing executed amendments to system exchange agreements. The amendments define "uneconomic units" which can be taken as Exchange Units. These amendments are in response to a request from the rate filing Staff made following Montaup's January 19, 1993 compliance filing.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Gulf Power Company

[Docket No. ER93–419–000]

Take notice that on April 26, 1993, Gulf Power Company (Gulf Power) tendered for filing an amendment to its original filing filed in this docket on March 1, 1993.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Oklahoma

[Docket Nos. ER93–435–000 and EC93–11–000]

Take notice that on May 6, 1993, Public Service Company of Oklahoma (PSO), by its counsel, tendered for filing certain supplemental information as requested by the Commission Staff.

Copies of the filing have been served on the Oklahoma Corporation Commission and the City of Collinsville, Oklahoma.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–640–000]

Take notice that on May 10, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), a member of the New York Power Pool (NYPP), filed a supplemental agreement to the NYPP–PJM Interconnection Agreement (dated April 9, 1974), on file with the Commission as NYPP Rate Schedule FERC No. 3 and as PJM Rate Schedule FERC No. 5. This supplemental agreement, the PARS Agreement, governs the installation, operation and maintenance by Con Edison of two phase angle regulators (PARs) and associated facilities at the Ramapo Substation and the equal sharing by the two pools of the financial obligations associated with the PARs incurred by Con Edison.

Con Edison requests that the proposed amendment be made effective as of August 1, 1988, and states that all NYPP and PJM members have agreed to the proposed effective date. Con Edison notes that the PARS Agreement is being filed within the amnesty period created for CIAC agreements in the Florida Power Corp. case. Con Edison further states that copies of the filing were served on NYPP, PJM and the state public utility commissions in New York, New Jersey, Maryland, Pennsylvania, Delaware, Virginia and the District of Columbia. A certificate of concurrence for PJM was submitted to the Commission.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Idaho Power Company

[Docket No. ER93–639–000]

Take notice that on May 10, 1993, Idaho Power Company (IPC) tendered for filing, an Amendatory Agreement to the Agreement for the Purchase and Sale of Power and Energy with the Montana Power Company.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Iowa Electric Light and Power Company

[Docket No. ER93–638–000]

Take notice that Iowa Electric Light and Power Company (Iowa Electric), on May 10, 1993, tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume 1. The proposed changes would decrease revenues from jurisdictional sales and service by $1,263,473, based on the 12-month period ending September 30, 1992. Filing requirements are submitted

under Section 35.13(a)(2)(ii) of the Commission's Rules and Regulations.

The proposed rates are designed to decrease revenues in two phases. In Phase I existing rates would be decreased by $421,747 per annum on May 1, 1993, and in Phase II rates would be decreased by an additional $841,726 per annum on January 1, 1995.

Copies of the filing were served upon Iowa Electric's jurisdictional customers and the Iowa State Utilities Board.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Columbus Southern Power Company

[Docket No. ER93–637–000]

Take notice that American Electric Power Service Corporation, on behalf of Columbus Southern Power Company (CSP), on May 7, 1993, tendered for filing an Extension of Supplemental Schedule II, dated April 1, 1993, to the Interconnection Agreement, dated January 1, 1988 (1988 Agreement), between CSP and the City of Columbus, Ohio (City). The 1988 Agreement has previously been designated as CSP's Rate Schedule FERC No. 37.

The Extension to Supplemental Schedule II extends the provisions of Supplemental Schedule II for an additional three-year period ending June 1, 1996.

A copy of the filing was served upon the Public Utility Commission of Ohio.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Union Electric Company

[Docket No. ER93–636–000]

Take notice that Union Electric Company, on May 7, 1993, tendered for filing a Substitute Power Agreement, dated April 12, 1993, with the City of Fredericktown, Missouri, providing for the sale of substitute electric service.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Idaho Power Company

[Docket No. ER93–455–000]

Take notice that on May 7, 1993, Idaho Power Company has withdrawn its filing in the above referenced docket with regard to an exchange agreement between Idaho Power and Montana Power Company.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. The Washington Water Power Company

[Docket No. ER93–464–000]

Take notice that on May 7, 1993, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an Amendment No. 1 to its filing of a letter agreement (Letter Agreement) between WWP and the Bonneville Power Administration (Bonneville). WWP states that this Amendment No. 1 demonstrates that WWP will not collect more than WWP's embedded cost of transmission from Bonneville under all contracts where WWP provides firm transmission services to Bonneville.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Yuma Cogeneration Associates

[Docket No. QF90–143–001]

On May 7, 1993, Yuma Cogeneration Associates (Applicant), c/o California Energy Company, Inc., 10831 Old Mill Road, Omaha, Nebraska 68154, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility is located in Yuma, Arizona. The Commission previously certified the facility as a qualifying cogeneration facility, Bonneville-Yuma Corporation, 58 FERC 62, 059 (1992). The instant request for recertification is due to the fact that the ownership of the facility has changed and an alternative thermal host, a yarn manufacturing plant, now exists for the facility. The yarn manufacturer will use steam for space cooling, via absorption cycle air conditioning, and for yarn processing uses.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

12. HMDC Landfill Gas Energy Recovery Facility

[Docket No. QF93–89–000]

On May 12, 1993, HMDC Landfill Gas Energy Recovery Facility (Applicant), c/o Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, Pennsylvania 18195, submitted for filing an application for certification of a facility as a small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the small power production facility will be located in Kearney, New Jersey, and will consist of landfill gas recovery equipment and combustion turbine generators. The maximum net power production capacity of the facility will be 7.2 MW. The primary energy source will be biomass in the form of landfill gas.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

13. Iowa Electric Light and Power Company

[Docket No. ER93–444–000]

Take notice that Iowa Electric Light and Power Company (Iowa Electric), on April 26, 1993, tendered for filing an Amendment to its March 11, 1993 filing in the above docket. The Amendment revises terms in the rates charged in the Service Schedule the Interchange and Interconnection Agreement between Iowa Electric and Associated Electric Cooperative, Inc. (Associated).

Copies of this filing have been sent to Associated and the Iowa State Utilities Board.

Comment date: June 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. South Glens Falls Limited Partnership

[Docket No. QF93–65–000]

On May 14, 1993, South Glens Falls Limited Partnership tendered for filing a supplement to its filing in this docket.

The supplement primarily pertains to the ownership structure of its hydroelectric small power production facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: June 4, 1993, in accordance with Standard Paragraph E at the end of the this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12155 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. EL93–39–000, QF84–434–002, and QF85–504–003]

Daggett Leasing Corp., LUZ Solar Partners Ltd., and LUZ Solar Partners, II, Ltd.; Filing

May 18, 1993.

Take notice that on May 13, 1993, Daggett Leasing Corporation, Lessee and Operator of the Solar Electric Generating System I and II Projects ("SEGs I and I"), filed a request for a limited waiver of the 25 percent fossil fuel use limitation established for qualifying small power production facilities ("QFs"), by § 292.204(b)(2), implementing title II of the Public Utility Regulatory Policies Act of 1978 ("PURPA"). The SEGS II as of June 1, 1993. The Petitioner also requests expedited consideration of the request for waiver and a public comment period not to exceed 15 days.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 1, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12156 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA92–1–15–003]

Mid Louisiana Gas Co.; Proposed Changes in FERC Gas Tariff

May 18, 1993.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on April 30, 1993, filed working papers in response to an August 25, 1992, order in Docket No. TA92–1–15–000.[1] The combined adjustments result in a $412,815 reduction in the amount due customers, as of April 30, 1992.

The August 25 order directed Mid Louisiana to file working papers supporting <$1,164,475> in prior period adjustments and to recompute carrying charges for Schedule C2, Balance Exclusive of the Balance of Refunds and Revenue Credits.

Mid Louisiana states that it conducted an exhaustive search of the records it received from Mid Louisiana's previous owners and has reconstructed the schedules included in the annual PGA filing. Mid Louisiana states that the unrecovered purchased gas cost contained in the Annual PGA filing should have been <$1,600,997> instead of <$2,013,812>, included in the original filing.

Further, Mid Louisiana does not intend to provide bundled merchant services after July 1, 1993. Therefore, Mid Louisiana contemplates no reason to retain its PGA in the future. Mid Louisiana proposes to file a final PGA filing no later than ninety days after the effective date of its Order No. 636 compliance filing to terminate its currently effective PGA provisions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12157 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–106–001]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 18, 1993.

Take notice that on May 14, 1993, Texas Gas Transmission Corporation (Texas Gas) tendered for filing certain tariff sheets listed on Appendices A and B to the filing, to reflect changes to its FERC Gas Tariff, Original Volume No. 1, Original Volume No. 2, and First Revised Volume No. 2–A.

Texas Gas states that the filing is being made to change an inadvertent oversight by Texas Gas relating to the proposed effective date for the tariff sheets filed on April 29, 1993, by Texas Gas in Docket No. RP93–106–000. Texas Gas states that this filing is changing the proposed effective date from November 1, 1993, to June 1, 1993, for the substitute tariff sheets contained in Appendices A and B to the filing.

Texas Gas states that copies of the filing are being mailed to all jurisdictional customers of Texas Gas, and all parties on the service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12158 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–15–29–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

May 18, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on May 13, 1993 certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheets, included in Appendix A attached to the filing, are proposed to be effective April 1, 1993 and May 1, 1993.

TGPL states that the purpose of the instant filing is to track rate changes attributable to the transportation service purchased from Texas Gas Transmission Corporation (Texas Gas) under its Rate Schedule FT the costs of which are included in the rates and charges payable under TGPL's Rate Schedule FT–NT. The tracking filing is being made pursuant to Section 4 of TGPL's Rate Schedule FT–NT.

Included in Appendix B attached to the filing is an explanation of the rate changes and details regarding the computation of the revised FT–NT rates.

TGPL states that copies of the filing are being mailed to each of its FT–NT

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[1] 60 FERC ¶61,196 (1992).

customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12160 Filed 5–21–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 93–41–NG]

Midcon Gas Services Corp.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Midcon Gas Services Corporation authorization to import up to 800 billion cubic feet of natural gas from Canada over a two-year term beginning on the date of first import.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 17, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–12208 Filed 5–21–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Notice of Cases Filed; Week of April 23 Through April 30, 1993

During the Week of April 23 through April 30, 1993, the appeals and applications for other relief listed in the appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: May 14, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

Date	Name and location of applicant	Case No.	Type of submission
Apr. 26, 1993 ..	Grow Group, Inc., Washington, DC	RR272–104	Request for modification/rescission in the crude oil refund proceeding. If granted: The March 23, 1993 Decision and Order (Case No. RF272–68932) issued to Grow Group, Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding.
Apr. 26, 1993 ..	Hanford Education Action League, Spokane, WA.	LFA–0290	Appeal of an information request denial. If granted: The March 27, 1993 Freedom of Information Request Denial issued by the Office of Communications would be rescinded, and Hanford Education Action League would receive access to the "Waste Volume Projection", page 3 of Attachment III of Talbot's March 25, 1993 letter".
Apr. 26, 1993 ..	Milton L. Loeb, Albuquerque, NM	LFA–0289	Appeal of an information request denial. If granted: The March 19, 1993 Freedom of Information Request Denial issued by the Albuquerque Office of Intergovernmental and External Affairs would be rescinded, and Milton L. Loeb would receive access to the "Project Authorization and Tracking System" (PATS) software and two PATS Manuals.
Apr. 26, 1993 ..	Shapiro, Fussell, Wedge & Smotherman, Atlanta, GA.	LFA–0288	Appeal of an information request denial. If granted: The April 7, 1993 Freedom of Information Request Denial issued by the Information & Administrative Services Division would be rescinded, and Shapiro, Fussell, Wedge & Smotherman would receive access to documents not being provided concerning Contract No. SOIC–033608, Manifold Valve and Piping Spools.
Apr. 26, 1993 ..	Texaco/Mike M. Marcello, Inc., Washington, DC.	RR321–129	Request for modification/rescission in the Texaco refund proceeding. If granted: The December 2, 1992 Decision and Order (Case No. RF321–3843) issued to Mike M. Marcello, Inc. would be modified regarding the firm's application for refund submitted in the Texaco Refund Proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

Date	Name and location of applicant	Case No.	Type of submission
Apr. 27, 1993 ..	William Albert Hewgley, Kingston, TN	LFA–0291	Appeal of an information request denial. If granted: The April 15, 1993 Freedom of Information Request Denial issued by the Office of the Inspector General would be rescinded, and William Albert Hewgley would receive access to his personnel records.
Apr. 29, 1993 ..	Energy Refund, Inc., Hardin, KY	LFX–0010	Supplemental. If granted: Energy Refunds, Inc. will be disqualified from representing clients before the Office of Hearing and Appeals.
Apr. 30, 1993 ..	California, San Francisco, CA	LEG–0005	Special grievance. If granted: The Office of Hearings and Appeals would review the proposed expenditures for Stripper-Well funds which were disapproved by the Assistant Secretary for Conservation and Renewable Energy.

REFUND APPLICATIONS RECEIVED

[Week of April 23 to April 30, 1993]

Date received	Name of refund proceeding/Name of refund applicant	Case number
04/26/93	Perry's North Main Gulf	RF40–3711
04/23/93 thru 04/30/93	Crude Oil Refund, Applications Received	RF272–94675 thru RF272–94683
04/23/93 thru 04/30/93	Atlantic Richfield, Applications Received	RF304–13860 thru RF304–13892
04/23/93 thru 04/30/93	Texaco Oil Refund, Applications Received	RF321–19710 thru RF321–19716

[FR Doc. 93–12209 Filed 5–21–93; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed; Week of April 16 Through April 23, 1993

During the Week of April 16 through April 23, 1993, the appeals and applications for other relief listed in the appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: May 14, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of April 16 through April 23, 1993]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 16, 1993 ..	Phillips, Nizer, Benjamin, Krim & Ballon, New York, NY.	LFA–0286	Appeal of an information request denial. If granted: The March 19,1 993 Freedom of information Request Denial issued by the Economic Regulatory Administration (ERA) would be rescinded, and the ERA would be required to make an additional search for the Forms ERA–69 that West Texas Marketing Corporation filed with the DOE in September, November and December 1980.
Apr. 16, 1993 ..	Lozier Oil Company, Inc., Farmington, IL ...	LEE–0049	Exception to the reporting requirements. If granted: Lozier Oil Company, Inc. would not be required to file EIA–782B, Resellers'/Retailers' Monthly Petroleum Product Sales Report.
Apr. 19, 1993 ..	Texaco/Bayles Texaco, Memphis, TN	RR321–128	Request for modification/rescission in the Texaco refund proceeding. If granted: The March 30, 1993 Decision and Order (Case No. RF321–14877) issued to Bayles Texaco would be modified regarding the firm's application for refund submitted in the Texaco Refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of April 16 through April 23, 1993]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 21, 1993 ..	Arco/Lew's Arco, Memphis, TN	RR304–61	Request for modification/rescission in the Arco refund proceeding. If granted: The April 8, 1993 Dismissal Letter (Case No. RF304–13732) issued to Lew's Arco would be modified regarding the firm's Application for Refund submitted in the Arco Refund Proceeding.
Apr. 21, 1993 ..	U.S. News & World Report, Washington, DC.	LFA–0287	Appeal of an Information request denial. If granted: The April 1, 1993 Freedom of Information Request Denial issued by the Office of Contractor Management and Administration would be rescinded, and U.S. New & World Report would receive access to the Department of Energy's Management and Operating Contractors' Purchasing Systems Review Report.

REFUND APPLICATION RECEIVED

[Week of April 16 April 23, 1993]

Date received	Name of refund proceeding/name of refund applicant	Case number
4/21/93	Hinds Gulf	RF300–21736
4/22/93	Mohawk Rubber Co	RF300–21737
4/22/93	R. J. Reynolds Tobacco USA	RC272–193
4/23/93	Acadiana Gulf Oil Co	RF300–21738
4/16/93 thru 4/23/93	Crude Oil Refund Applications Received	RF272–94665 thru RF272–94674
4/16/93 thru 4/23/93	Atlantic Richfield, Applications Received	RF304–13832 thru RF304–13859
4/16/93 thru 4/23/93	Texaco Oil Refund, Application Received	RF321–19701 thru RF321–19709

[FR Doc. 93–12210 Filed 5–21–93; 8:45 am]
BILLING CODE 6450–01–P

Issuance of Decisions and Orders; Week of March 22 Through March 26, 1993

During the week of March 22 through march 26, 1993, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Armen Victorian, 3/25/93, LFA–0273

Dr. Armen Victorian filed an Appeal from a determination issued to him on November 2, 1992, by the Deputy Director of the Office of Intergovernmental and External Affairs (Deputy Director) of the Department of Energy (DOE) Albuquerque Field Office. That determination denied Dr. Victorian's request for information pursuant to the Freedom of Information Act on the basis that the DOE had no documents responsive to Dr. Victorian's request. In considering the Appeal, the DOE confirmed that the Deputy Director followed procedures which were reasonably calculated to uncover responsive documents. Accordingly, the DOE denied Dr. Victorian's Appeal.

Motion for Rescission and/or Reconsideration

Pacific Gas and Electric Co., Et Al. the 341 Tract Unit of the Citronelle Field, 3/25/93, LER–0007, LER–0010

Pacific Gas and Electric Company, et al. (the End-users), and the 341 Tract Unit of the Citronelle Field (the Unit) each filed a Motion for Reconsideration of a December 24, 1991 Decision (*The 341 Tract Unit of the Citronelle Field*, 21 DOE ¶81,009 (1991) (the Termination Order)), that terminated exception relief granted to the Unit (*The Three Forty-One (341) Tract Unit of the Citronelle Field*, 10 DOE ¶81,027 (9183) (the Exception Decision)). In the Exception Decision, the DOE, over the objections of certain refiner-participants in the Entitlements Program, allowed the Unit to recertify a sufficient amount of its price-controlled crude oil to produce $63.8 million in additional revenues to fund a proposed crude oil tertiary recovery project. The funds, which were subject to a repayment requirement, were placed in an interest-bearing escrow account. As a result of the Unit's abandonment of the tertiary project, the DOE issued the Termination Order. At the time of the termination, the value of the Unit's net withdrawal was $40 million. The DOE determined that the Unit was not entitled to any portion of the escrow account and that those funds should be distributed to the parties that ultimately bore the cost of the exception relief.

In its Motion for Reconsideration, the Unit sought a $43 million disbursement from the escrow account. The DOE rejected the Unit's argument for a disbursement as an attempt to recast the exception relief. The DOE stated the Unit's entitlement to exception relief had been determined in the Exception Decision and, therefore, was not at issue in the termination proceeding. The DOE held that the termination process selected was fair to the Unit, and that there was no basis for allowing the Unit to obtain a benefit from, or shift its alleged loss expenses to, the parties whose interest had already been reduced by $40 million as a result of the Unit's partial use of the relief. In light of its denial of the Unit's Motion, the DOE dismissed as moot the End-users' Motion, which had objected to a passage in the Termination Order that permitted the Unit to file a reconsideration request.

Implementation of Special Refund Procedures

Starks Shell Service, 3/25/93, LEF–0034

The DOE issued a Decision and Order implementing special refund procedures to distribute $32,500, plus accrued interest, that Starks Shell Service remitted to the DOE pursuant to an August 22, 1984 Remedial Order. The DOE determined that it would distribute

the fund in two stages. In the first stage, the DOE will accept applications for refund from those claiming injury as a result of Starks violation of federal petroleum pricing regulations. If any funds remain after meritorious claims are paid in the first stage, they will be used for indirect restitution through the States in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986.

Refund Applications

Gulf Oil Corp./Evarts Service Cenert, 3/25/93, RF300–21723

The DOE issued a Decision and Order dismissing as untimely an Application for Refund filed by Evarts Service Center in the Gulf Oil Corporation special refund proceeding.

Gulf Oil Corp./Spector Red Ball, Inc., 3/23/93, RF300–12908

The DOE considered an Application for Refund filed in the Gulf Oil Corporation special refund proceeding on behalf of Spector Red Ball, Inc. (SRB), a firm involved in a Chapter 11 bankruptcy proceeding. The right to SRB's refund was purchased by LK, Inc., from the SRB bankruptcy trustee for $20,000. The DOE found that since the trustee's sale of SRB's refund right was approved by the bankruptcy judge, LK, Inc., was entitled to seek a Gulf refund based upon purchases made by SRB. The total refund granted to LK, Inc., was $21,682, including interest.

Harper Bros., Inc., 3/34/93, RF272–24568, RD272–24568

The DOE issued a Decision and Order granting an Application for Refund in the Subpart V crude oil special refund proceeding by Harper Bros., Inc., a construction company and a producer of asphaltic concrete. A group of States and Territories (States) objected to the Application on the grounds that the applicant was able to pass through increased petroleum costs to its customers. In support of their Objection, the States submitted an affidavit of an economist stating that, in general, the construction industry was able to pass through increased petroleum costs. The DOE determined that the evidence offered by the States was insufficient to rebut the presumption of end-user injury and that the applicant should receive a refund. The DOE also denied the States' Motion for Discovery, finding that discovery was not warranted where the States had not presented evidence sufficient to rebut the applicant's presumption of injury. After excluding from refund consideration the applicant's purchases which were subject to price adjustment provisions, the applicant was granted a refund of $16,552.

Skokie Valley Asphalt Co., Inc., 3/24/93, RF272–24474, RD272–24474

The DOE issued a Decision and Order granting an Application for Refund filed by Skokie Valley Asphalt Co., Inc., a producer of bituminous concrete, in the subpart V crude oil special refund proceeding. A group of States and Territories (States) objected to the Application on the grounds that the applicant was able to pass through increased petroleum costs to its customers. In support of their Objection, the States submitted an affidavit of an economist stating that, in general, the construction industry was able to pass through increased petroleum costs. The DOE determined that the evidence offered by the States was insufficient to rebut the presumption of end-user injury and that the applicant should receive a refund. The DOE also denied the States' Motion for Discovery, finding that discovery was not warranted where the States had not presented evidence sufficient to rebut the applicant's presumption of injury. The refund granted to the applicant in this Decision was $72,356.

Texaco Inc./Clark & Ogletree, Clark & Ogletree, 3/23/93, RF321–16339, RF321–19602

The DOE issued a Decision and Order concerning two competing Applications for Refund filed in the Texaco Inc. special refund proceeding on behalf of Clark & Ogletree, a consigneeship located in Livingston, Texas. Both applicants claimed the right to a refund based upon Texaco refined products consigned to Clark & Ogletree during the refund period. One applicant, Mr. Donald Hill, sought a refund based upon his purchase of the assets of Clark & Ogletree in 1980. That Application was denied because the right to the refund was not transferred in the sale of assets. In response to the second Application filed by the existing Clark & Ogletree partnership, a refund of $13,479 ($9,984 principal plus $3,494 interest) was granted.

Texaco Inc./Weeks Texaco Service, 3/23/93, RF321–17345

The DOE issued a Decision and Order concerning an Application for Refund filed in the Texaco Inc. special refund proceeding by Carolyn Weeks, the former wife of the owner of Weeks Texaco Service (WTS), a retail sales outlet located in Emporia, KS. WTS resold refined products purchased directly from Texaco and sought a refund that was less than $10,000. The DOE held that in light of the fact that Mr. and Ms Weeks were both compensated for their work at WTS out of the profits earned by WTS, and the fact that Mr. and Ms Weeks operated as a single economic unit, Texaco's alleged overcharges injured Ms Weeks, as well as her husband, during the marriage. The DOE, therefore, determined that equitable considerations favored granting Ms Weeks a refund equal to one-half the outlet's full allocable share. The total of the refund granted in this Decision is $390 ($289 principal plus $101 interest).

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearing and Appeals.

Federated Dept. Stores, Inc., Federated Dept. Stores, Inc	RF272–66432, RF272–66432.	03/25/93
Freiburger Excavating Co., Inc. *et al*	RF272–52247	03/23/93
Grow Group, Inc., Grow Group, Inc	RF272–68932, RF272–68932.	03/23/93
Gulf Oil Corporation/Dick's Gulf *et al*	RF300–16617	03/23/93
Gulf Oil Corporation/Holtzman Petroleum Company	RF300–17891	03/23/93
Gulf Oil Corporation/Ray Robeson *et al*	RF300–19010	03/26/93
Hazleton Area School Dist. *et al*	RF272–80767	03/24/93
Le Grand Union High School District *et al*	RF272–87537	03/23/93
Melton Truck Lines, Inc	RC272–174	03/23/93
Northern Tank Line	RC272–173	03/23/93
Northville Central School *et al*	RF272–84002	03/25/93
Santa Cruz County, California *et al*	RF272–89008	03/23/93

Shell Oil Company/Marin V. Cagle, Bagley & Interstate 71 Shell Consolidated Rail Corporation, Windlinger Petroleum.	RF315–95, RF315–139, RF315–5890, RF315–6292.	03/26/93
Texaco Inc./Bel Air Texaco *et al*	RF321–10650	03/22/93
Texaco Inc./Ripley Texaco *et al*	RF321–10640	03/26/93
Texaco Inc./Val Coomes Texaco *et al*	RF321–10644	03/23/93
Wadsworth City School District *et al*	RF272–80000	03/25/93

Dismissals

The following submissions were dismissed:

Name	Case No.
Argonia Public Schools, U.S.D. #359.	RF272–79299
Billy Green	RF321–15268
Carrell's Texaco	RF321–16192
Catasauqua Area S.D.	RF272–87521
Columbian Chemicals Company.	RF321–15935
Copeland Schools	RF272–87522
Curtin Truck Stop	RF321–18276
Earnie Gano's Texaco	RF321–19632
Governor Wentworth S.D.	RF272–87556
Highway Oil Company	RF321–15971
Hughes Arco	RF304–3859
Jet Gas Corporation	RF300–17196
Lawrence Public Schools	RF272–81473
Linwood School District	RF272–87548
Llano Independent School District.	RF272–87555
Loogootee Community School	RF272–87552
Mabel-Canton S.D.	RF272–87568
Nazarians Gulf	RF300–17395
NGL Supply, Inc.	RR225–44
Northside Texaco	RF321–15859
Pecan Shoppe of Smyrna	RF321–17113
Robinson Texaco	RF321–12126
S.A.D. #24 Van Buren	RF272–87501
Southdale Texaco	RF321–16501
Surrey School District #41	RF272–87507
Tekonsha Community Schools.	RF272–87513

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf report system

Dated: May 14, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–12212 Filed 5–21–93; 8:45 am]

BILLING CODE 6450-01-M

Final Closing Date for Special Refund Proceeding No. HEF–0209 Involving Getty Oil Company

AGENCY: Office of Hearing and Appeals, Department of Energy.

ACTION: Notice of closure of special refund proceeding HEF–0209, Getty Oil Company.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces that it is terminating the proceeding established to distribute refunds from the escrow account maintained pursuant to a consent order entered into between the DOE and Getty Oil Company.

FOR FURTHER INFORMATION CONTACT:

Richard T. Tedrow, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8018.

SUPPLEMENTARY INFORMATION: On October 24, 1986, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order setting forth final refund procedures to distribute the monies in the oil overchange escrow account established in accordance with the terms of a Consent Order entered into by the Department of Energy and the Getty Oil Company. See Getty Oil Company, 15 DOE ¶ 85,064 (1986), 51 FR 40714 (November 7, 1986). That Decision established June 30, 1987, as the filling deadline for the submission of refund applications for direct restitution by purchasers of Getty's refined petroleum products. 15 DOE at 88,125.

The Office of Hearing and Appeals commenced accepting refund applications in the Getty refund proceeding on November 6, 1986, more than six years ago. All of the Applications for Refund filed in the Getty proceeding have been considered and resolved. Furthermore, in view of the extended period of time that has transpired since the commencement of the proceeding, we have concluded that all eligible applicants have been provided with more than ample time to file. Accordingly, as of the date of issuance of this Notice, the proceeding established to distribute funds from the escrow maintained pursuant to the consent order entered into between the DOE and Getty Oil Company is being closed. Any unclaimed funds remaining will be made available for indirect restitution pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501.

Dated: May 14, 1993.

George B. Breznay,

Director, Office of Hearing and Appeals.

[FR Doc. 93–1221 Filed 5–21–93; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4657–1]

Privacy Act of 1974; Republication of Existing Systems of Records

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of republication of existing systems of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, EPA previously published systems of records notices for two systems of records maintained by EPA's Office of Inspector General (OIG): The EPA–4 system of records called "OIG Criminal Investigative Index and Files—EPA/OIG" and the EPA–5 system of records called "OIG Personnel Security Files—EPA/OIG." The most recent notice for these systems of records was published in the **Federal Register** of April 28, 1986 (51 FR 15825). Pursuant to 5 U.S.C. 552a(e)(4), EPA is making minor revisions to the existing routine uses and adding new routine uses to these two systems of records.

DATES: This notice will be effective without further notice on June 23, 1993, unless EPA receives written comments which would result in a contrary determination.

ADDRESSES: Interested persons may submit written comments to: John C. Jones, Assistant Inspector General for Management, Office of Inspector General (A–109), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John C. Jones, (202) 260–4912.

SUPPLEMENTARY INFORMATION: EPA is republishing the EPA–4 and EPA–5 systems of records to: (1) Add new routine uses, (2) revise some of the existing routine uses in a manner that is

compatible with the purpose for which the record was collected, (3) make minor editorial revisions to existing routine uses, and (4) update other information in the previously published notices of these systems of records.

First, EPA is adding three new routine uses to the EPA–4 system of records authorizing disclosure of information, under specified circumstances, to public or professional licensing organizations; to entities or persons who need the information to take action to recover money or property of EPA or to take appropriate disciplinary action to maintain the integrity of EPA programs or operations; and to the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE regulations. These routine uses are identified in the EPA–4 system of records as routine uses "r," "s," and "t." EPA is adding three new routine uses to the EPA–5 system of records authorizing disclosure of information, under specified circumstances, to Federal agencies responsible for suspension or debarment actions; to public or professional licensing organizations; and to entities or persons who need the information to take action to recover money or property of EPA or to take appropriate disciplinary action to maintain the integrity of EPA programs or operations. These routine uses are identified in the EPA–5 system of records as routine uses "p," "q," and "r."

Second, EPA is revising some of the existing routine uses in a manner that is compatible with the purpose for which the record was collected. The information in the EPA–4 system of records was collected for purposes of law enforcement, and the information in the EPA–5 system of records was collected for purposes of determining an individual's suitability for Federal employment, Federal contracts, or access to classified information. The revisions to the existing routine uses are compatible with these purposes.

Third, EPA is making minor editorial revisions to some of the existing routine uses for clarity.

Fourth, EPA is updating other information in the previously published notice of these systems of records to accurately reflect minor changes in the organizational structure of the OIG and the manner in which information is stored and retrieved.

All these changes are necessary to enable the OIG to carry out its assigned mission of preventing, detecting, and reporting instances of fraud, waste, abuse, and mismanagement in Agency programs and operations.

Dated: April 30, 1993.

Edward Hanley,

Acting Assistant Administrator for Administration and Resources Management.

EPA–4

SYSTEM NAME:

OIG Criminal Investigative Index and Files—EPA/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assistant Inspector General for Investigations, Office of Inspector General (A–109), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and entities who are or have been the subjects of investigations conducted by the OIG, including present and former EPA employees; present and former grant recipients, consultants, contractors, and subcontractors, and their employees; and other individuals and entities doing business with EPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. *Criminal Investigative Index.* Selected information from each investigative file, indexed by case file numbers, names of the subjects of investigations, and the cities, States, and EPA regions in which the subjects were located.

b. *Hard Copy Files.* All information relating to investigations, including the information contained in the criminal investigative index; information provided by Federal, State, local, and foreign investigatory or law enforcement agencies, and other government agencies; information provided by the subjects of investigations; information provided by individuals with whom the subjects are associated (e.g., fellow workers, business associates, acquaintances, or relatives); information provided by witnesses and confidential sources; information from public source materials; correspondence; a copy of the investigative report; and information about referrals for criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects. While the case is open, the file also contains investigative notes and summaries of telephone calls, which are destroyed when the case is closed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. app.; and 5 U.S.C. 301.

PURPOSE(S):

The records contained in the systems are used by the OIG in furtherance of the responsibilities of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. The records are used in investigating individuals and entities suspected of having committed illegal or unethical acts and in any resulting criminal prosecutions, civil proceedings, or administrative actions. The records are used in debarment and suspension proceedings under assistance programs and direct procurements. The records are used in conducting investigations of employees, consultants, contractors, subcontractors, and applicants in connection with personnel security determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record from the system of records may be disclosed, as a routine use:

a. To any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate EPA investigation, audit, or other inquiry.

b. To the appropriate Federal, State, local, foreign, or international agency, if a record indicates, either by itself or in combination with other information, a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, where that agency is charged with the responsibility of investigating or prosecuting a violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

c. To a Federal agency responsible for considering suspension or debarment action where such record would be relevant to such action.

d. To a Federal, State, local, foreign, or international agency, or other public authority or professional organization, maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, in order to obtain information relevant to an EPA investigation, audit, or other inquiry, or relevant to an EPA decision concerning the hiring or retention of an employee or other personnel action, the issuance of a

security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the initiation of administrative, civil, or criminal action.

e. To a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (4) the United States where EPA determines that the litigation is likely to affect EPA. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

g. To a Member of Congress who submits an inquiry on behalf of an individual, when the individual to whom the record pertains has authorized the Member of Congress in writing to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual who requested it.

h. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

i. To the Office of Management and Budget for the purpose of obtaining its advice regarding EPA obligations under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, or in connection with the review of legislation.

j. In response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies.

k. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (4) the United States where EPA determines that the litigation is likely to affect EPA.

l. To the Department of the Treasury and the Department of Justice when EPA is seeking an *ex parte* court order to obtain taxpayer information from the Internal Revenue Service.

m. To debt collection contractors for the purpose of collecting delinquent debts as authorized by law.

n. To a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

o. To EPA contractors, grantees, or volunteers who have been engaged to assist EPA in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

p. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

q. To a Federal, State, local, foreign, or international agency, or other public authority, for use in a computer matching program, as that term is defined in 5 U.S.C. 552a(a)(8). Each disclosure shall be in accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Office of Management and Budget (OMB) Computer Matching Guidelines published on June 19, 1989 (54 FR 25818), and OMB Bulletin No. 89–22 published on September 20, 1989, or any superseding guidance.

r. To a public or professional licensing organization when such record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

s. To an entity or person, public or private, when disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the EPA, when such recovery will accrue to the benefit of the United States, or when disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of EPA programs or operations.

t. To the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE in 5 CFR part 2638, subpart F.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The criminal investigative index is stored on computer hard disks and tapes. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

RETRIEVABILITY:

Records in the criminal investigative index are retrieved by the last names of the subjects of investigations and by case numbers. Records in the hard copy files are retrieved by case file numbers.

SAFEGUARDS:

Direct access to the criminal investigative index is limited to authorized staff of the OIG Office of Investigations and Office of Audit. Access to the criminal investigative files is limited to authorized staff of the OIG Office of Investigations. Additional access within EPA is limited to authorized officials and employees on a need-to-know basis. All records, when not in the possession of an authorized individual, are stored in locked cabinets in an alarmed room with restricted access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Inspector General Records, approved by the National Archives and Records Administration. Investigative case files are generally retained for 10 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Office of Inspector General (A–109), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

NOTIFICATION PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has promulgated rules which establish procedures for notifying an individual

at his/her request if the system of records contains a record pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

RECORD ACCESS PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has promulgated rules which establish procedures for notifying an individual at his/her request how he/she can gain access to a record in a system of records pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures section of this notice.

RECORD SOURCE CATEGORIES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: The subjects of investigations; individuals with whom the subjects of investigations are associated (e.g., fellow workers, business associates, acquaintances, or relatives); Federal, State, local, or foreign investigatory or law enforcement agencies; other government agencies; confidential sources; witnesses; concerned citizens; and public source materials.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended: 5 U.S.C. 552a (c) (3) and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8); (f); and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f). Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e)(1), (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the Federal Register, in accordance with the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

EPA–5

SYSTEM NAME:

OIG Personnel Security Files—EPA/OIG.

SECURITY CLASSIFICATION:

Most of the records in this system are unclassified. However, some records in the system are classified by other Federal agencies at levels up to and including "secret" in accordance with Executive Order 12356.

SYSTEM LOCATION:

Assistant Inspector General for Management, Office of Inspector General (A–109), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subjects of personnel security investigations (e.g., preappointment investigations, background investigations, national agency checks and inquiries, and periodic reinvestigations) conducted by the OIG or the Office of Personnel Management (OPM), including present and former EPA employees, consultants, contractors, and subcontractors in national security and/or public trust positions; and applicants for national security and/or public trust positions within the EPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. *Computerized Reference:* Selected information from some personnel security files, indexed by the subject's social security number, place of birth, type of investigation, date of investigation, type of security clearance, date of security clearance, and sensitivity of the position occupied.

B. *Hard Copy Files:* All information relating to personnel security investigations, including information contained in the computerized reference; information provided by the subjects on forms SF–171, SF–85, SF–85P, SF–86, SF–87, OPM–329–A, EPA–1480–19, EPA–1480–40, AEC–136, and DOE F 5631.18, F 5631.29 and F 5631.34; information in interviews and correspondence; information provided by individuals with whom the subjects are associated (e.g., fellow workers, business associates, acquaintances, or relatives); information provided by Federal, State, local, or foreign investigatory or law enforcement agencies, or other government agencies; information provided by confidential sources; information provided by former employers, references named by the subjects, credit agencies, and educational institutions; pre-appointment investigative reports; summaries of telephone calls; correspondence; public source materials; and information about referrals for criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended; Executive Order 12356; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165; Inspector General Act of 1978, as amended, 5 U.S.C. app.; and 5 U.S.C. 301.

PURPOSE(S):

The records contained in the system are used by the OIG to develop information on EPA employees, consultants, contractors, subcontractors, and applicants that will help the EPA determine suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. To the extent that records in this system reveal a violation or potential violation of law, then such records would be used by the OIG in furtherance of the responsibilities of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. Such records would be used in investigating individuals and entities suspected of having committed illegal or unethical acts and in any resulting criminal prosecutions, civil proceedings, or administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

A record from the system of records may be disclosed, as a routine use:

a. To any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate EPA investigation, audit, or other inquiry.

b. To the appropriate Federal, State, local, foreign, or international agency, if a record indicates, either by itself or in combination with other information, a violation or potential violation of law,

whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, where that agency is charged with the responsibility of investigating or prosecuting a violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

c. To a Federal, State, local, foreign, or international agency, or other public authority or professional organization, maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, in order to obtain information relevant to an EPA investigation, audit, or other inquiry, or relevant to an EPA decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the initiation of administrative, civil, or criminal action.

d. To a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (4) the United States where EPA determines that the litigation is likely to affect EPA. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

f. To a Member of Congress who submits an inquiry on behalf of an individual, when the individual to whom the record pertains has authorized the Member of Congress in writing to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual who requested it.

g. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

h. To the Office of Management and Budget for the purpose of obtaining its advice regarding EPA obligations under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, or in connection with the review of legislation.

i. In response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies.

j. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (4) the United States where EPA determines that the litigation is likely to affect EPA.

k. To the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

l. To debt collection contractors for the purpose of collecting delinquent debts as authorized by law.

m. To a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

n. To EPA contractors, grantees, or volunteers who have been engaged to assist EPA in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

o. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

p. To a Federal agency responsible for considering suspension or debarment action where such record would be relevant to such action.

q. To a public or professional licensing organization when such record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

r. To an entity or person, public or private, when disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the EPA, when such recovery will accrue to the benefit of the United States, or when disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of EPA programs or operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The computerized reference is stored on bound computer printout sheets. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

RETRIEVABILITY:

Records in the computerized reference are retrieved by the social security numbers of the subjects of personnel security investigations. Records in the hard copy files are retrieved by the last names of the subjects of personnel security investigations.

SAFEGUARDS:

Direct access to the computer based information is limited to authorized employees of the OIG, Office of Management, Personnel Security Staff. Additional access to the security files within EPA is limited to authorized officials and employees on a need-to-know basis. All records, when not in the possession of an authorized individual, are stored in file cabinets or safes and/or in a locked central file room with restricted access. Classified records are stored in accordance with Executive Order 12356.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Inspector General Records, approved by the National Archives and Records Administration. Personnel security files are generally retained for 5 years after the separation or transfer of the employee and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management, Office of Inspector General (A–109) Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

NOTIFICATION PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement to the extent that the system contains investigatory material compiled for law enforcement purposes. EPA also claims that the system is exempt from this requirement to the extent that the system contains records which are specifically authorized under criteria established by Executive Order 12356 to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to that executive order. However, EPA has promulgated rules which establish procedures for notifying an individual at his/her request if the system of records contains a record pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

RECORD ACCESS PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has promulgated rules which establish procedures for notifying an individual at his/her request how he/she can gain access to a record in a system of records pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures section of this notice.

RECORD SOURCE CATEGORIES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: the subjects of personnel security investigations; individuals with whom the subjects are associated (e.g., fellow workers, business associates, acquaintances, or relatives); Federal, State, local, or foreign investigatory or law enforcement agencies; other government agencies; confidential sources; former employers; reference named by the subjects; credit agencies; educational institutions; and public source materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), this system is exempt from the following provisions of the Privacy Act of 1974, as amended: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4)(G), (H), and (I); and (f). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4)(G), (H), and (I); and (f). Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4)(H) and (I); and (f)(2) through (5). These exemptions were published as regulations in the **Federal Register**, in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

[FR Doc. 93–12220 Filed 5–21–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4657–4]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Test Procedure Review

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability and Solicitation of Comments.

SUMMARY: This notice announces the availability of a Preliminary Technical Report (EPA Document No. 420–R–93–007) regarding the testing of motor vehicles and motor vehicle engines for measurement of motor vehicle emissions. This Report has been prepared by the Environmental Protection Agency's (EPA) Federal Test Procedure (FTP) Review Project, pursuant to Section 206(h) of the Clean Air Act, as amended (CAA or Act). Section 206(h) of the Act requires that EPA "review and revise as necessary" the regulations governing the FTP to "insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used".

The report discusses the driving behavior research conducted by EPA and others in EPA's review of the FTP, including the need for such research, the methods and approaches employed in the research, an analysis and discussion of the results of the research, and an analytical comparison to the FTP. Comments on the report are invited from experts in the field and all interested parties.

DATES: This preliminary technical report has been released and is currently available to the public. Written comments on the report must be submitted on or before July 8, 1993. Additional information on obtaining copies of the report and submitting comments can be found in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections of this notice.

ADDRESSES: The FTP Review Project Preliminary Technical Report is available to the public via four avenues: (1) The report and other materials relevant to the FTP Review Project, are available for public inspection and copying in the EPA Air Docket under docket number A–92–64. The docket is located at the U.S. EPA, Air Docket, Mail Code LE–131, 401 M Street, SW., Washington, DC, 20460 (room M–1500 on the ground level of Waterside Mall) (Telephone #(202)260–7548, FAX #(202)260–7883). The docket may be inspected between the hours of 8:30 a.m. to 12 noon and from 1:30 to 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials. In addition, written comments for EPA consideration may be submitted (in duplicate if possible) to the EPA Air Docket, Attention Docket No. A–92–64 at the same address. (2) Electronic copies are available on EPA's Technology Transfer Network (TTN), CAAA Bulletin Board, Title II file area. TTN is an electronic bulletin board providing information, technology, and tools on air pollution control. The service is free, except for the cost of the phone call, and accessible from your own computer via a modem by dialing (919) 541–5742 (1200/2400/9600 baud). If you want more information or need help accessing the system, call the systems operator by phone at (919) 541–5384. (3) Hard copies (paper) are available through the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA, 22161, Telephone #(703) 487–4650. (4) A hard copy or an electronic copy (on 3.5 inch diskettes using Wordperfect for the PC environment and Microsoft Word for the MacIntosh), may be obtained by sending a written request (please specify format) to the contact person listed below. (Please note: Due to limited

equipment and personnel at this source, response to requests for a hard copy may be restricted to the Executive Summary.)

FOR FURTHER INFORMATION CONTACT: John German, Certification Division, U.S. EPA, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone #(313) 668–4214, FAX #(313) 741–7869.

SUPPLEMENTARY INFORMATION: EPA is committed to public involvement and throughout the FTP Review Project has endeavored to provide opportunities for input from states, industry, and other interested parties. EPA issued a Status Report on the FTP review project in February 1993 (EPA Document No. 420–R–93–006), and held a public workshop on March 9 and 10, 1993. The status report, written submissions and prepared statements from the public workshop, as well as additional information relevant to the FTP review, may be found at the EPA Air Docket in Docket No. A–92–64 (see **ADDRESSES**).

In keeping with this commitment, EPA solicits and encourages review of the preliminary technical report by experts in the field and other interested parties. EPA welcomes comments and asks that technical comments be submitted with supporting data. Information gained from comments received will support EPA's efforts to implement the provisions of CAA Section 206(h). All comments, with the exclusion of proprietary information, should be directed to the EPA Air Docket (see **ADDRESSES** above).

Commenters desiring to submit proprietary information for consideration should clearly distinguish such information from other comments to the greatest possible extent and label it as "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the contact person (see **FOR FURTHER INFORMATION CONTACT** above), and not to the public docket. This will ensure that proprietary information is not inadvertently placed in the docket. If a commenter wants EPA to use confidential business information as part of EPA's review and possible revision of the FTP, then a nonconfidential version of the document that summarizes the key data or information should be placed in the public docket.

Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the commenters.

A broad outline of the information contained in the report is provided below:

FTP Review Project: Preliminary Technical Report—Outline

- Introduction and Background.
- Project Overview.
- Driving Surveys: Methods and Approach.
- Driving Behavior.
- Driving Conditions.
- Analysis and Discussion of Survey Results.
- Driving Behavior Determinants/ Factors.
- Trip Behavior Determinants/ Factors.
- Vehicle Operation Patterns.
- Analytical Comparison to the Federal Test Procedure.
- Test Cycle Development Methods and Approach.

Dated: May 14, 1993.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–12223 Filed 5–21–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL 4658–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: This notice requests an expedited review. Public comments must be submitted by May 31, 1993.

For further information, or to obtain a copy of this ICR, contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Pesticides Enforcement and Applicator Certification Cooperative Agreement: Output Projections/ Quarterly Accomplishments Reporting Form. (EPA ICR No: 1547.02; OMB No: 2070–0113) This is a request for extension of the expiration date of a currently approved collection.

Abstract: Under sections 23(a), 26(a), and 11(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA requires governmental entities (states, territories, and Indian tribes) to which it has delegated primary enforcement authority and with which it has cooperative agreements in place, to report periodically to the Agency on their pesticide enforcement activities. Specifically, the respondent state agencies submit to the EPA output and accomplishment reports on projected and completed instructions, number and type of samples collected during an inspection, actual number of enforcement actions resulting from an inspection, and applicator certification and training activities.

To comply with section 19(f) of FIFRA, the Agency is mandated to promulgate regulations which will continue to grant enforcement authorities to states that have cooperative agreements with the Agency. Until section 19(f) of FIFRA is implemented, the states must also submit to the Agency a written commitment to conduct the following activities:

(1) Review the proposed FIFRA section 19(f) regulations;
(2) Identify any changes to State laws that would be necessary to enforce the regulations, and develop an estimated timeline for making the necessary changes;
(3) Within 12 months of promulgation of the FIFRA section 19(f)(1) regulations, develop, and submit to EPA, a strategy for implementing a state enforcement program in compliance with the requirements of section 19(f) of the FIFRA;
(4) After promulgation of the regulations, conduct a program to inform the regulated community of the requirements of the rules.

These activities will put adequate State programs in place by the time compliance with regulations promulgated under FIFRA section 19(f) is required.

The Agency uses this information to monitor and evaluate delegated program performance as part of its overall pesticide enforcement program. Also, the information is used to review and set funding levels for cooperative agreements.

Burden Statement: The estimated annual reporting burden for this collection of information is estimated to average 6.29 hours per response. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and

complete and review the collection of information.

Respondents: States, territories, and Indian tribes with EPA cooperative grants.

Estimated No. of Respondents: 70

Estimated No. of Responses Per Respondent: 5

Estimated Total Annual Burden on Respondents: 2,202 hours

Frequency of Collection: Quarterly for enforcement and semi-annually for certification. The written commitment is submitted once.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street SW., Washington, DC 20460

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503.

Dated: May 18, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–12222 Filed 5–21–93; 8:45 am]

BILLING CODE [illegible]

[FRL 4658–2]

Renewal of the Policy Dialogue on Mining Wastes

AGENCY: Environmental Protection Agency.

ACTION: Renewal of Federal Advisory Committee—Policy Dialogue Committee on mining wastes.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), we are giving notice of the renewal of the Mining Waste Policy Dialogue Committee. The Committee was formed in March, 1991 to provide a forum to refine and further develop issues related to managing mining waste and to facilitate the exchange of ideas and information among the interested parties. The Charter has been renewed through September 30, 1993. We have determined that renewal of this Committee is in the public interest and will assist the Agency in performing its duties prescribed in the Resources Conservation Recovery Act.

Copies of the Committee Charter have been filed with the appropriate committees of Congress and the Library of Congress.

No date has been set for the next meeting of the Policy Dialogue Committee. Notice will be published when the date and location of the next meeting is known

FOR FURTHER INFORMATION CONTACT: Persons needing further information on substantive aspects of the mining waste program should call Steve Hoffman, Office of Solid Waste, U.S. EPA, (703) 308–8413. Summaries of previous meetings will be made available upon written request to Patricia Whiting, Office of Solid Waste, (OS–323W), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Dated: May 18, 1993.

Deborah Dalton,

Designated Federal Official, Deputy Director, Consensus and Dispute Resolution Program, Office of Policy, Planning and Evaluation.

[FR Doc. 93–12221 Filed 5–21–93; 8:45 am]

BILLING CODE [illegible]

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Pub. L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

TIME AND PLACE: Tuesday, June 8, 1993, from 9:30 a.m. to 12 noon. The meeting will be held at Eximbank in room 1143, 811 Vermont Avenue NW., Washington, DC 20571.

AGENDA: The meeting agenda will include a discussion of the following topics: Advisory Committee Comment on Competitiveness Report; Subcommittee Reports: Small Business, Banking, Insurance, Exporters—Tied Aid, Project Finance, Environment, Eastern Europe/CIS; and other topics.

PUBLIC PARTICIPATION: The meeting will be open to public participation; and the last 15 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Loretta Carrier, Room 966, 811 Vermont Avenue NW., Washington, DC 20571, (202) 566–8893, not later than June 7, 1993. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to June 3, 1993, Loretta Carrier, room 966, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 566–8893 or TDD: (202) 535–3913.

FURTHER INFORMATION: For further information, contact Loretta Carrier, Room 966, 811 Vermont Avenue NW., Washington, DC 20571, (202) 566–8893.

Helene H. Wall,

Vice President, Administrative and Management Services.

[FR Doc. 93–12152 Filed 5–21–93; 8:45 am]

BILLING CODE [illegible]

[Public Notice 20]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1908, Eximbank has submitted an application to be used under the Bank's medium and long term loan and guarantee programs.

PURPOSE: The proposed application is to be used by applicants when applying for Eximbank's services under its medium and long term loan and guarantee programs. The application will serve as a mechanism by which Eximbank can evaluate creditworthiness of applicants, to find reasonable assurance of repayment, and to assure that relevant statutory programs and requirements are met.

SUMMARY: The following summarizes the information collection proposal submitted to OMB.

(1) Type of request: extension
(2) Number of forms submitted: one
(3) Form Number: EIB 87–14 (Rev.)
(4) Title of information collection: Medium- and Long-Term Export Loan and Guarantee Application
(5) Frequency of use: Submission of applications
(6) Respondents: Any U.S. or foreign bank, other financial institution, other responsible party including the exporter or creditworthy borrowers in a country eligible for Eximbank assistance.
(7) Estimated total number of annual responses: 1200
(8) Estimated total number of hours needed to fill out the form: 1200. Section 3504(h) of Public Law 96–511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed application may be obtained from Helene H. Wall, Agency Clearance Officer, (202) 566–8111. Comments and questions should be directed to Jefferson Hill, Office of Management and Budget, Information and Regulatory Affairs, room 3235, New

Executive Office Building, Washington, DC 20503, (202) 395–3176. All comments should be submitted within two weeks of this notice; if you intend to submit comments but are unable to meet this deadline, please advise by telephone that comments will be submitted late.

Dated: May 13, 1993.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 93–12184 Filed 5–21–93; 8:45 am]

BILLING CODE 8160–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; South Europe/ U.S.A. Freight Conference, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010676–061

Title: South Europe/U.S.A. Freight Conference

Parties:

Achille Lauro
Evergreen Marine Corporation (Taiwan) Ltd.
Italia di Navigazione, S.p.A.
Lykes Lines
A.P. Moller-Maersk Line
Nedlloyd Lines
Sea-Land Service, Inc.
P&O Containers Limited
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment modifies the rules governing service contracts.

Agreement No.: 203–011414

Title: Hapag-Lloyd/Matson Cooperative Working Agreement

Parties:

Hapag-Lloyd, AG
Matson Navigation Company, Inc.

Synopsis: The Agreement permits the parties to cooperate by transshipping cargo between U.S. Pacific Coast ports, as part of through international movements under Hapag-Lloyd bills of lading.

Dated: May 18, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–12145 Filed 5–21–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Aspen Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities; Correction

This notice corrects a previous notice (FR Doc. 93-10953) published at page 27573 of the issue for Monday, May 10, 1993.

Under the Federal Reserve Bank of Kansas City heading, the entry for Aspen Bancshares, Inc. is revised to read as follows:

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Aspen Bancshares, Inc., Aspen, Colorado; to acquire Centennial Savings Bank, F.S.B., Durango, Colorado, and thereby engage in the sale of credit life insurance pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Comments on this application must be received by June 1, 1993.

Board of Governors of the Federal Reserve System, May 18, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–12194 Filed 5–21–93; 8:45 am]

BILLING CODE 6210–01–F

First Security Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 17, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First Security Bancorp, Inc., Elmwood Park, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Security Trust & Savings Bank, Elmwood Park, Illinois.

2. J.E. Coonley Company, Hampton, Iowa; to acquire 100 percent of the voting shares of Sheffield Savings Bank, Sheffield, Iowa.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Wisconsin Bancshares, Inc., Newport, Minnesota; to merge with Security Bancorporation, Inc., Newport, Minnesota, and thereby indirectly acquire MidAmerica Bank Hudson, Hudson, Wisconsin, and Security State Bank, Ladysmith, Wisconsin.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. CCB Corporation, Kansas City, Missouri; to acquire at least 45.0 percent of the voting shares of Acquisition Corporation, Leawood, Kansas, and thereby indirectly acquire Leavcorp, Inc., Leavenworth, Kansas, and Leavenworth National Bank and Trust Company, Leavenworth, Kansas.

2. Community Bancs of Oklahoma, Inc., Tulsa, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank and Trust Company, Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, May 18, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–12195 Filed 5–21–93; 8:45 am]

BILLING CODE 6210–01–F

Huxley Bancorp; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 14, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Huxley Bancorp, Huxley, Iowa; to engage *de novo* in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 18, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–12196 Filed 5–21–93; 8:45 am]

BILLING CODE 6210–01–F

James Edward Watkins, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 14, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. James Edward Watkins, Chattanooga, Tennessee; to acquire an additional 1.08 percent of the voting shares of East Ridge Bancshares, Inc., East Ridge, Tennessee, for a total of 26.03 percent, and thereby indirectly acquire The Bank of East Ridge, East Ridge, Tennessee.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Ernest Hulon Bay, Anderson, Texas; to acquire an additional 6.49 percent for a total of 26.22 percent; and Edward Earl Bay, Anderson, Texas, to acquire 2.29 percent of the voting shares of First Anderson Bancshares, Inc., Anderson, Texas, and thereby indirectly acquire The First National Bank, Anderson, Texas.

2. Herbert Dean Smith, Bonham, Texas; to acquire an additional 34.90 percent of the voting shares of Wolfe City Bancshares, Inc., Wolfe City, Texas, for a total of 34.97 percent, and thereby indirectly acquire The Wolfe City National Bank, Wolfe City, Texas.

Board of Governors of the Federal Reserve System, May 18, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–12197 Filed 5–21–93; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for the reinstatement of an information collection titled: "Child Support Enforcement Program Quarterly Report of Expenditures and Estimates (OCSE–131)". This information collection was approved under OMB Control Number 0970–0014 for use through February 28, 1993.

ADDRESSES: Copies of the Information Collection request may be obtained from Steve Smith of the Office of Information Systems Management, Administration of Children and Families, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street NW., Washington, DC 20503, (202) 395–7316.

Information Document

Title: Child support Enforcement Program Quarterly Report of Expenditures and Estimates form (SCE–34

OMB No.: 0980–0014

Description: The authority to collect and report this information is found in the following sections of the Social Security Act: 452(a)(6), 454(10), 455(b), 455(d) and 458(e). The estimate and expenditure information collected on form OCSE–131, Child Support and Enforcement Program Quarterly Report of Expenditures and Estimates will be used to project the Federal and State shares of funds required to operate the program and to compute quarterly grant awards to the States as required by Title IV–D of the Social Security Act.

Grants are awarded under Title IV–D for the purposes of enforcing the support of obligations owed by absent parents to their children and the spouse (or former spouse) with whom such children are living, locating absent parents, establishing paternity, obtaining child and spousal support, and assuring that assistance in obtaining support will be available to all children for who such assistance is requested.

Section 452(a)(6) of the Social Security Act requires the Secretary of

the Department of Health and Human Services to maintain a full record of this information as reported by the States for use in the annual report to the Congress.

Annual Number of Respondents.....54
Annual Frequency.....4
Average Burden Hours Per Response.....8
Total Burden Hours.....1,728

Dated: April 28, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93–12143 Filed 5–21–93; 8:45 am]

BILLING CODE 4184–01–M

Health Care Financing Administration

[OPA–007–N]

Medicare Program; Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for June 7, 1993, from 9 a.m. until 5 p.m. d.s.t. Additional meetings are tentatively scheduled for September 13 and December 13, 1993.

ADDRESSES: The meeting will be held in Room 800, 8th Floor of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: John Lanigan, Acting Executive Director, Practicing Physicians Advisory Council, Room 425–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, (202) 690–7874.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Health and Human Services is mandated by section 1868 of the Social Security Act as added by section 4112 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, enacted on November 5, 1990, to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and to the Administrator of the Health Care Financing Administration (HCFA) not later than December 31st of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Advisory Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Advisory Council by appropriate action before the end of the 2-year term.

The current members are: Gary C. Dennis, M.D., Harvey P. Hanlen, O.D., Kenneth D. Hansen, M.D., Isabel V. Hoverman, M.D., Ramon L. Jimenez, M.D., Jerilynn S. Kaibel, D.C., William D. Kirsch, D.O., Marie G. Kuffner, M.D., David L. Massanari, M.D., Kenton K. Moss, M.D., Susan W. Owens, M.D., Isadore Rosenfeld, M.D., Richard B. Tompkins, M.D., James C. Waites, M.D., and Gary L. Yordy, M.D. The chairperson is Richard B. Tompkins, M.D.

The Council will discuss and make recommendations on the Health Care Quality Improvement Initiative and the use of pattern analysis in place of case review to monitor and improve the quality of care furnished to Medicare beneficiaries.

The Council will discuss the status of the review of care furnished in ambulatory settings such as physician offices.

Additionally, the Council will review the 1993–1994 HCFA initiative to examine and reduce the burden of the Peer Review Organization's review requirements on physicians and hospitals (for example, the attestation requirements) and make recommendations.

Those individuals or organizations that wish to make 10-minute oral presentations on the above issues must contact the Acting Executive Director to be scheduled. For the name, address, and telephone number of the Acting Executive Director, see the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice. A written copy of the oral remarks must be presented to the Acting Executive Director at the time of the presentation. Anyone who is not scheduled to speak may submit written comments to the Acting Executive Director. The meeting is open to the public but attendance is limited to the space available on a first-come basis.

Authority: Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicare—Hospital Insurance Program; and No. 13.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 17, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 93–12307 Filed 5–20–93; 1:13 pm]

BILLING CODE 4120–01–P

Indian Health Service

Adolescent Health Centers for American Indians/Alaska Natives

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for adolescent health centers for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for the establishment of Adolescent Health Centers for American Indians/Alaska Natives. These grants are established under the authority of Indian Health Amendment of 1992, Public Law 102–573, section 216. There will be only one funding cycle during fiscal year 1993. This program is described at 93.228 in the Catalog of Federal Domestic Assistance. These grants will be awarded in accordance with applicable OMB Circulars and grant administrative requirements. Executive Order 12372 requiring intergovernmental review is not applicable to this program. This program is not subject to the Public Health System Reporting Requirements.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led activity for setting priority areas.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

DATES: In accordance with OMB Circular A–102, Grants and Cooperative Agreements for State and Local Governments, interested parties are invited to comment on the proposed funding emphases. This comment period is 30 days; written comments received by June 23, 1993 will be considered before the final funding emphases are established. No funds will be allocated or selections made until a final notice is published stating what funding emphases will be applied. Written comments on the proposed funding emphases should be addressed to: Dr. Jerry Lyle, Maternal-Child Health Section, Indian Health Service, room 6A–54, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1948. All comments received will be available for public inspection and copying at the Office of Health Programs at the above address, weekdays (Federal holidays excepted) between the hours of 7:30 a.m. and 4:30 p.m., Easter Standard Time, beginning approximately 2 weeks after publication of this notice.

An original and two (2) copies of the completed grant application must be submitted, with all required documents, to the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Metro Plaza, Suite 300, 12300 Twinbrook Parkway, Rockville, Maryland 20852, by c.o.b. July 2, 1993.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by c.o.b. 5 p.m. or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing.

Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

ADDITIONAL DATES:

A. Application Receipt Date: July 2, 1993.
B. Application Review: July 26–27, 1993.
C. Applications Notified of Results (approved, approved unfunded, or disapproved): August 27, 1993.
D. Anticipated Start Date: September 1, 1993.

FOR FURTHER INFORMATION CONTACT: For program information, contact Dr. Jerry Lyle, Maternal-Child Health Section, Indian Health Service, room 6A–54 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1948. For grants information, contact Mrs. M. Kay Carpentier, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Operations, Indian Health Service, Twinbrook Metro Plaza Suite 300, 12300 Twinbrook Parkway, Rockville, Maryland 20852, (301) 443–5204. (the telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program purpose, eligibility, programmatic objectives, program evaluation, required affiliation, funding availability, and application procedures for fiscal year 1993.

General Program Purpose

To establish innovative school related and community based adolescent health centers, capable of providing health promotion and disease prevention services to adolescents. Under this program, funding cannot be used to provide services described in section 209(m) of Public Law 102–573.

Eligible Applicants

Any federally recognized Indian Tribe, Indian tribal organization, or Federally recognized urban Indian organization is eligible to apply for a grant. However those tribes or tribal organizations which have previously received grants to fund IHS Adolescent Health Centers may not reapply. To provide geographic equity applicants from within the following IHS Areas will be given priority: Aberdeen IHS, Alaska Native Health Service, Billings IHS, California IHS, Navajo IHS, and Office of Health Programs & Research Development.

Program Objectives

Applicants must address all three specific objectives stated below as they relate to health problems of Indian adolescents (approximate ages 12 through 19 years old) through the provision of school related and community based demonstration projects.

1. To provide Indian adolescents with outreach programs of preventive education and counselling related to
   (a) accident prevention;
   (b) sexually transmitted diseases;
   (c) acquired immune deficiency syndrome (AIDS);
   (d) suicide;
   (e) violence;
   (f) substance use including tobacco, alcohol, other chemicals, and drugs; and
   (g) fetal alcohol syndrome.
2. To provide Indian adolescents with outreach programs of health promotion education and counselling in
   (a) teenage pregnancy;
   (b) mental health;
   (c) nutrition;
   (d) physical fitness;
   (e) healthy behaviors and promotion of wellness;
   (f) recreational therapy activities that enhance self-esteem, self-sufficiency and team building and teach constructive use of leisure time; and
   (g) preparation for adult role responsibilities, including parenting responsibilities.
3. To ensure that Indian adolescents have access to age group and culture appropriate health care, particularly in the areas of special concern in adolescence including pregnancy, infant care, infectious diseases, immunizations, mental health, and tobacco, alcohol, and substance abuse. Programs should insure that adolescent immunizations are monitored for compliance with recommended schedules.

Factors for Consideration in Preparing the Application

1. Projects should be school or community related; however, out-of-school adolescents should also be targeted for participation in the program.
2. Projects should demonstrate coordination with other agencies and organizations within and without the community who serve the targeted population.
3. Adolescents, parents, and the community should be involved in identifying needs and designing and carrying out programs.
4. Indian cultural aspects should be considered in program design.
5. Projects should be located at sites where there are concentrations of Indian adolescents and demonstrated need for adolescent prevention and health care services. The program should identify populations at highest risk for adolescent health concerns and demonstrate that intervention is targeted to risk reduction.

Fund Availability

Approximately $450,000 is available for fiscal year 1993. It is anticipated that grant awards will average approximately $50,000 per year inclusive of direct and indirect costs. Up to 9 adolescent health center demonstration projects will be funded.

Period of Support

Projects will be awarded for a term of up to three years, with funding levels beyond the first year based on the fiscal year 1993 level, the availability of appropriations in future years, the continuing need of IHS for the projects, and satisfactory performance. The anticipated start date for approved projects will be September 1, 1993.

Application Process

An IHS Grant Application Kit, including required form PHS 5161–1 (rev. 7/92) and narrative (OMB No. 0937–0189), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Metro Plaza, Suite 300, 12300 Twinbrook Parkway, Rockville, Maryland 20852. Telephone: (301) 443–5204.

A. Narrative

The narrative section of the application must include the following: (1) need for assistance, (2) program objectives and expected results, and (3) work plan. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on pages 19–21 of the PHS–5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. The narrative may not exceed 15 single-spaced pages in length. (Pages must be numbered).

1. Need for Assistance

(a) Describe and define the target population at the project location. Identify family and community involvement in the design and conduct of the project.

(b) Describe the existing resources and services available within and without the community related to the specific services the applicant is proposing to provide.

(c) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any.

(d) Cite documentation supporting needs (any studies or testimonies).

2. Program Objectives and Expected Results

(a) State concisely the objectives of the project.

(b) Describe briefly what the project intends to accomplish. State time frames and quantity.

(c) Identify the result, benefit, or outcome expected.

3. Work Plan

(a) Describe the proposed program to be offered and outline a plan of action including the date that the project will begin to accept clients.

(b) Describe the proposed program operations, including any unique features such as Indian cultural aspects, extraordinary social and community involvements, or actions directed at acceptance of the program among the targeted population.

(c) Describe existing resources available within and without the community that provide related services and the nature and amount of their cooperation/collaboration/assistance. Describe how this program will interface with these available resources.

(d) Describe methods for evaluating program activities, effectiveness of interventions, success in achieving objectives, the impact of interventions, acceptance among the targeted population, and workload accomplishments. Identify who will perform the evaluation and when.

(e) Describe the system to be used for information collection which will support the program evaluation to determine the impact of the project. The reporting system should include, but is not limited to, the number and types of clients served, services provided and costs associated with the program.

(f) The adolescent health centers should be able to continue operation after the grant funding ends. Discuss how the project will be continued by the Indian organization.

(g) Indicate the project's willingness to share its program experience with IHS Areas and other tribal organizations.

B. Key Personnel and Management Control

1. Provide biographical sketch and position description for the program director and other key personnel as described on pages 20–21 of PHS 5161–1.

2. Provide an organizational chart and indicate how the project will operate within the organization.

C. Budget

1. Clearly itemize estimated costs by line item on form PHS–5161–1 (effective date 7/92) and provide specific justification. Any special start up costs should be indicated. Grant funding may not be used to supplant existing public and private resources. Describe the type and cost of facilities and equipment to be used, numbers and credentials of staff, numbers of patients to be served, and transportation. Any equipment requirements, either general purpose of specialized, should be identified.

2. Budget must include estimated costs for the entire proposed project period for up to three years.

D. Required Affiliation

1. Resolution

A resolution of support from the Indian tribe to be served by the project must accompany the application submission. Applications which propose services which will benefit more than one Indian tribe must include resolutions from all tribes to be served. Applications by tribal organizations will not require tribal resolution(s) if the tribal resolution(s) under which they operate would encompass the application for the grant. A statement of such must accompany the application. Applications by Federally recognized urban Indian organizations must include a resolution of support from the advisory board or board of directors.

2. Letters of Support

Applicants must submit letter(s) of support as appropriate from: (1) The local schools and school boards where Indian adolescents are in attendance, including Bureau of Indian Affairs schools and regional offices where applicable; (2) any relevant nonprofit community organizations involved with the target population; (3) local health departments and/or health care facilities, including tribal or IHS service units where applicable; (4) the IHS Area Director; and (5) any college or university health sciences programs that are to be involved in the project. Any organizations that will be affiliated should be included in the planning and coordination of the project.

Objective Review Process

Applications that meet eligibility requirements, are complete, and conform to this program announcement will be reviewed by a centralized Objective Review Committee (ORC) conducted at the IHS Headquarters and in accordance with IHS objective review procedures. The objective review process is a nationwide competition for limited funding within the guidelines delineated under the Eligible Applications of this announcement. In addition, assuming there are an adequate number of applications, not more than one grant will be awarded within each IHS Area. Priority will be given to qualified applicants within IHS Areas not previously having grant recipients under this grant program. The

ORC will be comprised to IHS or Tribal staff (50–60%) and other non-IHS individuals (50–40%) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application, which will be used in making the final funding decision.

Criteria for Evaluation

Applications will be evaluated against the following criteria:

1. Need—The demonstration of identified adolescent health problems and risks in the target population. Extent of community involvement and commitment. The demonstrated potential for continuity of the project in the community following expiration of grant funding.

2. Approach—(1) the soundness and effectiveness of the proposed project in providing health promotion and disease prevention services to Indian adolescents, with special emphasis on the objectives and methodology portion of the application, and (2) the demonstration of evaluation methods incorporated into the design of the project. Evidence of current or potential cooperation between the applicant and affiliated organizations. Evidence may be in the form of letters or official documents.

3. Adequacy of Management Controls and Budget—The capability of the applicant to successfully conduct the project including both technical and business aspects. The soundness of the applicant's budget in relation to the project work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for lease purchase under the project.

4. Key Personnel—Qualifications and adequacy of the staff.

Results of the Review

The results of the Objective Review Committee are forwarded to the Associate Director, Office of Health Programs, for final review and approval. Applicants are notified of their approval, approval without funds, or disapproval, by August 27, 1993. A Notice of Grant Award will be issued approximately ten (10) days prior to the start date of September 1, 1993.

Unsuccessful applicants are notified in writing of disapproval not later than August 27, 1993.

Reporting

A. Progress Report

Program progress reports will be submitted quarterly with a final report for each budget period to be included in the continuation application. A final progress will be due for the final budget period 90 days after the end of the project period.

B. Financial Status Report

A final financial status report will be due 90 days after the end of each budget period. Standard form 269 will be used for financial reporting.

Grant Administration Requirements

Grants are administered in accordance with the following documents:

1. 45 CFR part 92, Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Administration of Grants to Non-profit recipients.
2. Public Health Service Grants Policy Statement, and
3. Appropriate Cost Principles: OMB Circular A–87, State and Local Governments, or OMB Circular A–122, Nonprofit Organizations.

Dated: March 30, 1993.

Michel E. Lincoln,

Acting Director.

[FR Doc. 93–12189 Filed 5–21–93; 8:45 am]

BILLING CODE 4160–16–M

National Institutes of Health

National Institute of Aging; Meetings

Pursuant to Public Law 94–463, notice is hereby given of Subcommittee B meeting of the Biological and Clinical Aging Review Committee, and of Subcommittee A of the Neuroscience, Behavior and Sociology of Aging Review Committee.

These meetings will be open to the public as indicated below to discuss administrative details and other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion, and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, National Institute on Aging, Gateway Building, room 2C218, National Institutes of Health, Bethesda, Maryland, 20892 (301/496–9322), will provide summaries of the meetings and rosters of the committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator listed for the meeting, in advance of the meeting.

Other information pertaining to the meetings can be obtained from the Scientific Review Administrator indicated below:

Name of Subcommittee: Subcommittee B—Biological and Clinical Aging Review Committee
Scientific Review Administrator: Dr. James Harwood, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666
Dates of Meeting: June 4, 1992
Place of Meeting: Telephone Conference, Gateway Building, room 2C212, 7201 Wisconsin Ave., Bethesda, Maryland 20892
Open: June 4—2 to 2:30 p.m.
Closed: June 4—2:30 to adjournment
Name of Subcommittee: Subcommittee A—Neuroscience, Behavior and Sociology of Aging Review Committee
Scientific Review Administrator: Dr. Maria Mannarino, Dr. Louise Hsu, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666
Dates of Meeting: June 15–17, 1993
Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814
Open: June 15—7:30 p.m. to 8 p.m.
Closed: June 15—8 p.m. to adjournment on June 17.

(Catalog of Federal Domestic Assistance Program No. 93.866, aging Research, National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12233 Filed 5–21–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Meeting of Allergy, Immunology, and Transplantation Research Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Allergy, Immunology, and

Transplantation Research Committee on June 23, 1993, at the Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

The meeting will be open to the public from 8 a.m. to 8:50 a.m. on June 23, to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 8:50 a.m. until adjournment on June 23. These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Claudia Goad, Committee Management Officer, National Institute of Allergy and Infectious Diseases, Solar Building, room 4C02, National Institutes of Health, Bethesda, Maryland 20892, 301–496–7601, will provide a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Goad in advance of the meeting.

Dr. Mark L. Rohrbaugh, Scientific Review Administrator, Allergy, Immunology and Transplantation Research Committee, NIAID, NIH, Solar Building, room 4C22, Bethesda, Maryland 20892, telephone 301–496–8424, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research, National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12237 Filed 5–19–93; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Deafness and Other Communication Disorders; Meeting of the Communication Disorders Review Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Communication Disorders Review Committee on June 14, 1993. The Committee will meet at the Hyatt Regency-Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814. Notice of the meeting room will be posted in the hotel lobby.

The Committee meeting will be open to the public from 8 a.m. until approximately 8:30 a.m. to discuss administrative details relating to Committee business. Attendance by the public will be limited to space available.

The meeting of the Committee will be closed to the public from approximately 8:30 a.m. until adjournment in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion, and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Committee meeting may be obtained from Dr. Craig A. Jordan, Scientific Review Administrator, National Institute on Deafness and Other Communication Disorders, room 400B, Executive Plaza South, Bethesda, Maryland 20892, 301–496–8683. For individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations, please contact Dr. Jordan two weeks prior to the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communication Disorders)

Dated: May 10, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12240 Filed 5–21–93; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Dental Research; Meeting of NIDR Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental Research (NIDR), on June 10–11, 1993, in the H. Trendley Dean Conference Room, Building 30, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to recess on June 10 and from 8:30 a.m. to noon on June 11. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from noon until adjournment on June 11 for the review, discussion, and evaluation of individual programs and projects conducted by the NIDR, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Stephan Mergenhagen, Acting Director of Intramural Research, NIDR, NIH, Building 30, room 132, Bethesda, Maryland 20892 (telephone 301–496–1483) will provide a summary of the meeting, roster of committee members and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Intramural Research Office listed above in advance of the meeting.

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12232 Filed 5–21–93; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Dental Research; Meeting of National Institute of Dental Research (NIDR) Special Grants Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the NIDR Special Grants Review Committee, National Institute of Dental Research, June 17–18, 1993, at the Embassy Suites, 4300 Military Road, Washington, DC 20015. The meeting will be open to the public from 8:30 to 9 a.m. on June 17 for general discussions. Attendance by the public is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. William Gartland (301/594–7632) in advance of the meeting.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 17 from 9 a.m. to recess, and on June 18 from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could

reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. William Gartland, Scientific Review Administrator, NIDR Special Grants Review Committee, NIH, Westwood Building, Room 519, Bethesda MD 20892, (telephone 301/594-7632) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.121, Dental Research Institute; National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-12238 Filed 5-21-93; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of the Clinical Trials Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, June 27-30, 1993, Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

The meeting will be open to the public on June 27, from 7 p.m. to approximately 7:30 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 27 from approximately 7:30 p.m. to adjournment on June 30, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A-21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the Committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretations or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. David M. Monsees, Jr., Scientific Review Administrator, Clinical Trials Review Committee, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Westwood Building, room 550B, Bethesda, Maryland 20892, (301) 594-7450, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-12234 Filed 5-21-93; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 24-25, 1993 in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on June 24, from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92-463, the meeting will be closed to the public from approximately 9 a.m. on June 24 to adjournment on June 25 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236 will provide a summary of the meeting and a roster of the committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. Jeffrey H. Hurst, Scientific Review Administrator, Heart, Lung, and Blood Research Review Committee B, Westwood Building, Room 555, National Institutes of Health, Bethesda, Maryland 20892, (301) 594-7418, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-12235 Filed 5-21-93; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of Heart, Lung, and Blood Research Review Committee A

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 24 and 25, 1993, in Building 31, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on June 24, from 8 a.m. to approximately 9 a.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 24, from approximately 9 a.m. until recess, and from 9 a.m. until adjournment on June 25, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential

trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, 301–496–4236, will provide a summary of the meeting and a roster of the committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. Deborah P. Beebe, Scientific Review Administrator (Acting), Heart, Lung, and Blood Research Review Committee A, Westwood Building, room 555, National Institutes of Health, Bethesda, Maryland 20892, 301–594–7418, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12236 Filed 5–21–93; 8:45 am]

BILLING CODE 4140–01–M

National Center for Research Resources; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the National Center for Research Resources (NCRR) for June 1993. These meetings will be open to the public to discuss program planning, program accomplishments and special reports or other issues relating to committee business as indicated in the notice.

The Council meeting will be open to the public, as indicated below, during which time there will be discussions on administrative matters such as previous meeting minutes; the report of the Director, NCRR; and review of budget and legislative updates. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Maureen Mylander, Information Officer, NCRR, Westwood Building, room 10A15, National Institutes of Health, Bethesda, Maryland 20892, (301) 594–7938, will provide summaries of meetings and rosters of committee members. Other information pertaining to the meetings can be obtained from the Executive Secretary or the Scientific Review Administrator indicated. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary or the Scientific Review Administrator listed below, in advance of the meeting.

Name of Committee: National Advisory Research Resources Council.

Date of Meeting: June 10–11, 1993.

Place of Meeting: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, Maryland 20892.

Open: June 10, 9 a.m. until recess.

Closed: June 11, 8 a.m. until 10 a.m.

Open: June 11, 10 a.m. until adjournment.

Name of Committee: The Planning and Agenda Subcommittee of the National Advisory Research Resources Council.

Place of Meeting: National Institutes of Health, 9000 Rockville Pike, Conference Room 3B41, Building 31B, Bethesda, Maryland 20892.

Open: June 10, 12 noon–1:15 p.m.

Executive Secretary: Louise Ramm, Ph.d., Biological Models and Materials Research Program, National Center for Research Resources, Westwood Building, room 854, Bethesda, MD 20892, Telephone: (301) 594–7906.

Name of Committee: Biomedical Research Technology Review Committee.

Scientific Review Administration: Dr. Chhanda L. Ganguly, National Institutes of Health, Westwood Building, room 10A14, Bethesda, Maryland 20892, Telephone: (301) 594–7957.

Date of Meeting: June 24–25, 1993.

Place of Meeting: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Open: June 24, 8:30 a.m.–10 a.m.

Closed: June 24, 10 a.m.–Adjournment.

Name of Committee: Research Centers in Minority Institutions Review Committee.

Scientific Review Administrator: Dr. John Lymangrover, National Institutes of Health, Westwood Building, room 10A16, Bethesda, Maryland 20892, Telephone: (301) 594–7932.

Date of Meeting: June 29, 1993.

Place of Meeting: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 8, Bethesda, MD 20892.

Open: June 29, 8:30 a.m.–10:30 a.m.

Closed: June 29, 10:30 a.m.–Adjournment.

Name of Committee: Comparative Medicine Review Committee.

Scientific Review Administrator: Dr. Bernadette Tyree, National Institutes of Health, Westwood Building, room 10A16, Bethesda, MD 20892, Telephone: (301) 594–7932.

Date of Meeting: June 13–15, 1993.

Place of Meeting: Rosslyn Westpark Hotel, 1900 N. Fort Drive, Arlington, VA 22209.

Closed: June 13, 6:30 p.m.–recess.

Open: June 14, 8:30 a.m.–10 a.m.

Closed: 10 a.m.–until adjournment.

Name of Committee: General Clinical Research Centers Committee.

Scientific Review Administrator: Dr. Bela J. Gulyas, National Institutes of Health, Westwood Building, room 10A16, Bethesda, MD 20892, Telephone: (301) 594–7903.

Date of Meeting: June 15–16, 1993.

Place of Meeting: Holiday Inn, Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852.

Open: June 15, 8 a.m.–9:30 a.m.

Closed: June 15, 9:30 a.m.–until adjournment.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Laboratory Animal Sciences and Primate Research; 93.333, Clinical Research; 93.337, Biomedical Research Support; 93.371, Biomedical Research Technology; 93.389, Research Centers in Minority Institutions; 93.190, Biological Models and Materials Research; 93.167, Research Facilities Improvement Program; National Institutes of Health)

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12239 Filed 5–21–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–050–4210–05 U–68967]

Henry Mountain Management Framework Plan Amendment, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Plan Amendment.

SUMMARY: The Henry Mountain Management Framework Plan (MFP) has been amended to address the following lands as suitable for disposal to Wayne County:

Salt Lake Meridian

T. 28 S., R. 8 E.,
Section 26, E½NW¼.
Containing 80 acres in Wayne County.

This plan amendment would allow the Henry Mountain Resource Area to

dispose of public lands to Wayne County pursuant to the Recreation and Public Purposes Act (R&PP) as amended for the purpose of constructing a regional landfill.

FOR FURTHER INFORMATION CONTACT: Sheldon G. Wimmer, Henry Mountain Resource Area Manager, P.O. Box 99, Hanksville, Utah 84734, (801) 542–3461.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to section 202(e) of the Federal Land Policy and Management Act of 1976 and 43 CFR part 1610. The planning amendment is subject to protest from any adversely affected party who participated in the planning process. Protests must be made in accordance with the provisions of 43 CFR 1610.5–2. Protests must be received by the Director of the Bureau of Land Management, 18th and C Street NW., Washington, DC 20240, within 30 days after the date of publication of this Notice of Availability for the planning amendment.

James M. Parker,

State Director.

[FR Doc. 93–12141 Filed 5–21–93; 8:45 am]

BILLING CODE 4310–DQ–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub-No. 246X)]

Chicago and North Western Transportation Co.—Abandonment Exemption—In Milwaukee, WI

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Chicago and North Western Transportation Company (CNW) of 1.1 miles of rail line between milepost 2.54, near Lincoln Avenue, and milepost 3.64, near 9th Avenue, in Milwaukee, Milwaukee County, WI, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on June 23, 1993. Formal expressions of intent to file an offer of financial assistance [1] under 49 CFR 1152.27(c)(2) must be filed by June 3, 1993, petitions to stay must be filed by June 8, 1993, and petitions to reopen must be filed by June 18, 1993. Requests for a public use condition must be filed by June 14, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–1 (Sub-No. 246X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative: Thomas F. Flanagan, Chicago and North Western Transportation Company, One North Western Center, Chicago, IL 60606–1551

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: May 12, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–12226 Filed 5–21–93; 8:45 am]

BILLING CODE 7035–01–P

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Targeted Training Grants

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of grant program.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has a grant program, Targeted Training, which awards funds to nonprofit organizations to address unmet needs for safety and health training and education in the workplace. This notice announces Targeted Training grant availability for training workers in the logging industry. The grant availability applies to all types of logging, including pulpwood harvesting and the logging of saw logs, bolts and other forest products. The notice describes the scope of the grant program and provides information on how to obtain a grant application. Applications should not be submitted without first obtaining the detailed grant application package mentioned later in the notice.

Authority for this program may be found in section 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670).

DATES: Applications must be received by July 9, 1993.

ADDRESSES: Grant applications must be submitted to the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Chief, Division of Training and Educational Programs, or Helen Beall, Training Specialist, Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (708) 297–4810.

SUPPLEMENTARY INFORMATION:

Background

Section 21(c) of the Occupational Safety and Health Act provides for the education and training of employers and workers in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions. OSHA has used a variety of approaches over the years to fulfill its responsibilities under this section, one of which is the awarding of grants to nonprofit organizations to provide training and education to workers and employers.

The Targeted Training Program is OSHA's current grant program for training and education of workers and employers. Its goals include educating small businesses, training in new OSHA standards, and training in areas of special emphasis or recognized high hazard areas. Organizations awarded grants under this program will be expected to develop training and/or educational programs that address a target named by OSHA, reach out to workers and employers for whom the program is appropriate, and provide them with the training and/or educational program. Success is measured by the number of individuals participating in the program and evidence of their increased ability to recognize and abate hazards or to comply with standards.

Scope

The purpose of this notice is to announce the availability of the funds for grants that address worker safety in the logging industry, including pulpwood harvesting and the logging of saw logs, bolts and other forest products. Training programs should be carried out in close cooperation with

people in the logging industry. It is expected that training will be conducted by technical experts who are knowledgeable about safe work practices and who are responsive to changes in safety equipment and to the needs of the logging workforce. Whenever possible, training should be conducted at logging sites. Grantees will be expected to incorporate OSHA's new logging standards into their training when the standards are issued.

Among the activities which may be supported under these grants are: Conducting training, conducting other educational activities designed to reach and inform workers, and developing educational materials for use in the training and/or educational activities.

Eligible Applicants

Any nonprofit organization that is not an agency of a State or local government is eligible to apply. However, State and local government-supported institutions of higher education are eligible to apply in accordance with 29 CFR 97.4(a)(1).

Nonsupportable Activities

Statutory and regulatory limitations, as well as the objectives of the grant program, prevent reimbursement for certain activities under these grants. These limitations include the following.

1. Any activities inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.
2. Activities involving workplaces largely precluded from enforcement action under section 4(b)(1) of the Occupational Safety and Health Act.
3. Activities for the benefit of State, county or municipal employees unless those employees are covered by a State Plan funded by OSHA under section 23(g) of the Occupational Safety and Health Act.
4. Production, publication, reproduction or use of training and educational materials, including newsletters and programs of instruction, that have not been approved by OSHA.
5. Lobbying.
6. Training and other educational activities that primarily address issues other than recognition, avoidance, and prevention of unsafe or unhealthful working conditions. Examples include activities concerning workers' compensation, first aid, and publication of materials prejudicial to labor or management.
7. Activities that promote logging production methods or equipment.
8. Activities that provide assistance to workers in arbitration cases or other actions against employers, or that provide assistance to employers and/or workers in the prosecution of claims against Federal, State or local governments.
9. Activities that directly duplicate services offered by OSHA, a State under a State Plan, or consultation programs provided by State designated agencies under sections 7(c)(1) of the Act.
10. Activities directly or indirectly intended to generate membership in the grant recipients's organization.

Administrative Requirements

Grant recipients that develop curriculums and/or educational materials with grant funds must provide copies of them to OSHA by the end of the grant period.

The grant program will be administered in compliance with 41 CFR part 29–70 and OMB Circulars A–110, A–133, and A–21 or A–122. All applicants will be required to certify to a drug-free workplace in accordance with 20 CFR part 98 and to comply with the New Restrictions on Lobbying published at 29 CFR part 93.

The program is subject to matching share requirements. Grant recipients will be expected to provide a minimum of 20% of the total grant budget. For example, if the Federal share of the grant is $80,000 (80% of the grant), then the matching share will be $20,000 (20% of the grant), for a total grant of $100,000. The matching share may exceed 20%.

Evaluation Process and Criteria

Applications for grants solicited in this notice will be evaluated on a competitive basis by the Assistant Secretary for Occupational Safety and Health with assistance and advice from OSHA staff.

The following factors, which are not ranked in order of importance, will be considered in evaluating grant applications.

1. Program Design

a. The plan to develop and implement a training and education program that addresses logging safety for workers.

b. The number of workers to be reached by the program.

c. The appropriateness of the planned activities for providing safety training for loggers.

d. The plan for selecting training sites and recruiting trainees.

e. The plan for evaluating the program's effectiveness in achieving its objectives.

f. The feasibility and soundness of the proposed work plan in achieving the program objectives effectively.

2. Program Experience

a. Prior occupational safety and health experience of the organization.

b. Previous and current training or education programs conducted by the organization.

c. Technical and professional expertise of present or proposed project staff in logging and in occupational safety and health.

3. Administrative Capability

a. Managerial expertise of the applicant as evidenced by the variety and complexity of current and/or recent programs it has administered.

b. Financial management capability of the applicant as evidenced by a recent report form an independent audit firm or a recent report from another independent organization qualified to render judgment concerning the soundness of the applicant's financial practices.

c. Evidence of the applicant's nonprofit status, preferably from the IRS.

d. The completeness of the application, including forms, budget detail, narrative and workplan, and required attachments.

4. Budget

a. The reasonableness of the budget in relation to the proposed program activities.

b. The proposed non-Federal share is at least 20% of the total budget.

c. The compliance of the budget with applicable Federal cost principles and with OSHA requirements contained in the grant application instructions.

In addition to the preceding factors, the Assistant Secretary will consider other factors such as the overall geographical distribution and coverage of populations at risk.

Availability of Funds

There is approximately $350,000 available for this program. It is anticipated that the average Federal award will be $100,000. Grants will be awarded for an eighteen-month period.

Application Procedures

Those organizations that meet the eligibility requirements described above and are interested in conducting project activities as described may request a grant application package from the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

All applications must be received by the OSHA Office of Training and Education no later than 4:30 p.m. Central Time, July 9, 1993.

Notification of Selection

Following review and evaluation, those organizations selected as potential

grant recipients will be notified by a representative of the Assistant Secretary. An applicant whose proposal is not selected will also be notified in writing to that effect. Notice of selection as a potential grant recipient will not constitute approval of the grant application as submitted. Prior to the actual grant award, representatives of the potential grant recipient and OSHA will enter into negotiations concerning such items as program components, funding levels, and administrative systems. If negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Signed at Washington, DC, this 18th day of May 1993.

David C. Zeigler,

Acting Assistant Secretary of Labor.

[FR Doc. 93–12174 Filed 5–21–93; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Presenting and Commissioning Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Presenting and Commissioning Advisory Panel (Artists' Projects Regional Initiative Section) to the National Council on the Arts will be held on June 17, 1993 from 9 a.m.–5:30 p.m. in room 527 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 4:30 p.m.—5:30 p.m. for policy discussion and guidelines review.

The remaining portion of this meeting from 9 a.m.—4:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: May 17, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–12142 Filed 5–21–93; 8:45 am]

BILLING CODE 7357-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences (BIO); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L., 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological Sciences.

Date and Time: June 7, 1993, 9 a.m.–5:30 p.m.; June 8, 1993, 8:30 a.m.–12 Noon.

Place: Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia 22209.

Type of Meeting: Open.

Contact Person: Dr. W. Franklin Harris, Acting Assistant Director, Biological Sciences, Room 506, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–9854.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: The Advisory Committee for BIO provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: FY 95 planning discussion.

Reason for late notice: Late confirmation of meeting site.

Dated: May 19, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–12202 Filed 5–21–93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Document Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR part 72—Emergency Planning Licensing Requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS).

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Applicants for an NRC license to operate an Independent Spent Fuel Storage Facilities (ISFSI) or a Monitored Retrievable Storage Facilities (MRS).

6. An estimate of the total number of annual responses: 1.36 although, to date, the NRC has not received any applications for the licensing of an offsite ISFSI or for an MRS.

7. An estimate of the number of hours needed annually to complete the requirement or request: Approximately 785 hours (approximately 625 hours of reporting burden plus approximately 160 hours of recordkeeping burden).

8. An indication of whether section 3504(h), Public Law 96–511 applies: Applicable.

9. Abstract: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to provide, as directed by the Nuclear Waste Policy Act of 1982, the emergency planning licensing requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS). The emergency plans that applicants would be required to submit would allow NRC to determine that a licensee's planned response to an accidental release of radioactive materials will be adequate to protect public health and safety.

Copies of the submittal may be inspected or obtained for a fee from the

NRC Public Document Room 2120 L Street NW. (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0132), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084. The NRC Clearance Officer is Brenda J. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 12th day of May 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93–12216 Filed 5–21–93; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting and Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Revision

2. The title of the information collection: 10 CFR part 55, Operator's Licenses, Proposed Rule

3. The form number if applicable: N/A

4. How often the collection is required: Annually

5. Who will be required or asked to report: All power and non-power reactor licensees.

6. An estimate of the number of annual responses: 88 for power reactors and 49 for non-power reactors

7. An estimate of the total number of hours needed to complete the requirement or request: 352 hours annually for power reactors (approximately 4 hours per response) and 35 hours annually for non-power reactors (approximately 0.75 hours per response)

8. An indication of whether section 3504(h), Public Law 96–511 applies: Applicable

9. Abstract: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to delete the prerequisite for license renewal that each licensed operator pass a comprehensive requalification written examination and an operating test conducted by the NRC during the term of the operator's 6-year license. The proposed amendment will require facility licensees to submit copies of each annual operating test or comprehensive written examination used for operator requalification to the Commission for review at least 30 days prior to conducting the examination or the test. In addition, the proposed rule will amend the "Scope" provisions of the regulations pertaining to operators' licenses to include facility licenses.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs, (3150–0018 and 3150–0101), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

NRC Clearance officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 13th day of May, 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management

[FR Doc. 93–12217 Filed 5–21–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–280 and 50–281]

Virginia Electric and Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 178 to Facility Operating License No. DPR–32 and Amendment No. 178 to Facility Operating License No. DPR–37, issued to the Virginia Electric and Power Company (the licensee), which revised the Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. These amendments are effective as of the date of issuance.

The amendments modified the Technical Specifications to allow one of two service water flow paths to the main control and emergency switchgear rooms' air conditioning condensers to be removed from service for system maintenance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act of the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on December 10, 1992 (57 FR 58523). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environmental (58 FR 14224).

For further details with respect to the action see (1) the application for amendments dated November 10, 1992, (2) Amendment No. 178 to License No. DPR–32 and Amendment No. 178 to License No. DPR–37, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 18th day of May 1993.

For the Nuclear Regulatory Commission.

Bart C. Buckley,

Senior Project Manager, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–12215 Filed 5–21–93; 8:45 am]

BILLING CODE 7590–01–M

RESOLUTION TRUST CORPORATION

Coastal Barrier Improvement Act; Property Availability; Arlington Timberlakes, Tarrant County, TX

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as Arlington Timberlakes, located in Arlington, Tarrant County, Texas, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until August 23, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. E. Ted Hine, Resolution Trust Corporation, California Field Office, 4000 MacArthur Blvd., Third Floor, East Tower, Newport Beach, CA 92660–2516, (714) 263–4648; Fax (714) 852–7770.

SUPPLEMENTARY INFORMATION: The Arlington Timberlakes property is located approximately one-half mile east of State Highway 360 between Susan Drive and Timberlake Drive, about 1,000 feet north of Park Row Drive, Arlington, Texas. The property contains habitat for endangered species and has a high probability of containing archeological resources. Cottonwood Creek bisects the site and the property is adjacent to the Cottonwood Creek Floodway which is managed by the City of Grand Prairie as designated open space and wildlife habitat. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The Arlington Timberlakes property consists of approximately 73.6 acres of undeveloped land, 24 acres of which are situated in a floodplain. The topography of the site is level to gently rolling with wetlands associated with the 100 year floodplain. The property contains potential habitat for the Texas garter snake and archeological resources have a high probability of being located along Cottonwood Creek.

Property size: Approximately 73.6 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before August 23, 1993 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by August 23, 1993 to Mr. E. Ted Hine at the above **ADDRESSES** and in the following form:

NOTICE OF SERIOUS INTEREST

RE: Arlington Timberlakes

Federal Register Publication Date: May 24, 1993.

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: May 18, 1993.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 93–12185 Filed 5–21–93; 8:45 am]

BILLING CODE 6714–01–M

Coastal Barrier Improvement Act; Property Availability; The Dominion, Bexar County, TX

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as the Dominion, Bexar County, Texas, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until August 23, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Steven Reid, Resolution Trust Corporation, Dallas Field Office, 3500 Maple Avenue, Riverchon Plaza, 18th Floor, Dallas, TX. 75219–3935, (214) 443–4738; Fax (214) 443–4825.

SUPPLEMENTARY INFORMATION: The Dominion property is located about 20 miles northwest of the City of San Antonio, in Bexar County, Texas. The property is undeveloped and located within the boundary of a sole source aquifer. The property contains habitat for federally listed endangered species and is adjacent to the Camp Bullis military Reservation which contains an open space area managed for open space and wildlife habitat conservation. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The Dominion property consists of approximately 390 acres of undeveloped land which includes about 50 acres situated in a floodplain. The southern portion of the site consists of a hilly area which is covered with native vegetation and trees. The property is located within a sole source aquifer designated by the Environmental Protection Agency and contains habitat for the federally endangered Black-capped vireo and the Golden-cheeked warbler.

Property size: Approximately 390 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before August 23, 1993 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by August 23, 1993 to Mr. Steven Reid at the above **ADDRESSES** and in the following form:

NOTICE OF SERIOUS INTEREST

RE: The Dominion

Federal Register Publication Date: May 24, 1993.

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: May 18, 1993.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 93–12188 Filed 5–21–93; 8:45 am]

BILLING CODE 6714–01–M

Coastal Barrier Improvement Act; Property Availability; Northern Parcels of Tuscany Hills, Riverside County, CA

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as the Northern Parcels of Tuscany Hills, located in Lake Elsinore, Riverside County, California, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until August 23, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. E. Ted Hine, Resolution Trust Corporation, California Field Office, 400 MacArthur Blvd., Third Floor, East Tower, Newport Beach, CA 92660–2516, (714) 263–4648; Fax (714) 852–7770.

SUPPLEMENTARY INFORMATION: The Northern Parcels of Tuscany Hills property is located about 4 miles north of Interstate Highway 15 on Greenwald Boulevard, Lake Elsinore, Riverside County, California. The property contains habitat for the federally endangered Stephens' kangaroo rat and is adjacent to land managed by the Bureau of Land Management. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The Northern Parcels of Tuscany Hills property consists of approximately 390 acres of undeveloped land. The site contains a wildlife corridor located at the southern end of the property which consists of habitat for the endangered Stephens' kangaroo rat. The Bureau of Land Management owns one section of land adjacent to the northeast corner of the property and approximately 160 acres adjacent to the southeast border of the site.

Property size: Approximately 390 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before August 23, 1993 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by August 23, 1993 to Mr. E. Ted Hine at the above **ADDRESSES** and in the following form:

NOTICE OF SERIOUS INTEREST

RE: Northern Parcels of Tuscany Hills

Federal Register Publication Date: May 24, 1993.

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: May 18, 1993.

Resolution Trust Corporation

William J. Tricarico,

Assistant Secretary.

[FR Doc. 93–12186 Filed 5–21–93; 8:45 am]

BILLING CODE 6714–01–M

Coastal Barrier Improvement Act; Property Availability; Rams Hill Country Club, San Diego County, CA

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as Rams Hill Country Club located in Borrego Springs, San Diego County, California, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until August 23, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Steven Reid, Resolution Trust Corporation, Dallas Field Office, 3500 Maple Avenue, Riverchon Plaza, 18th Floor, Dallas, TX 75219–3935, (214) 443–4738; Fax (214) 443–4825.

SUPPLEMENTARY INFORMATION: The Rams Hill Country Club property is located in Borrego Springs on Yaqui Pass Road approximately 5 miles southeast of the center of town. The property has recreational value and is located entirely within the Anza-Borrego Desert State Park which is managed by the State of California for conservation purposes. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The Ram Hill Country Club property consists of approximately 3,140 acres, 1,700 acres of which are dedicated for a wilderness preserve. The remaining acreage consists of a resort community including an 18 hole golf course, pro shop, lounge, and clubhouse.

Property size: Approximately 3,140 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before August 23, 1993 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government;

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notice of serious interest to purchase or effect other transfer of the property must be submitted by or before August 23, 1993 to Mr. Steven Reid at the above **ADDRESSES** and in the following form:

NOTICE OF SERIOUS INTEREST

RE: Rams Hill Country Club

Federal Register Publication Date: May 24 1993.

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: May 18, 1993.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 93–12187 Filed 5–21–93; 8:45 am]

BILLING CODE 6714–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (American Healthcare Management, Inc., Common Stock, $.01 Par Value) File No. 1–8756

May 18, 1993

American Healthcare Management, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on April 16, 1993 and concurrently therewith, such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before June 8, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–12200 Filed 5–21–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Identix Incorporated, Common Stock, No Par Value) File No. 1–9641

May 18, 1993.

Identix Incorporated ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, it desires to withdraw its common stock from listing on the PSE because in recent years the volume of common stock traded on the PSE has been relatively low. As a result, the administrative and direct financial costs of maintaining listing on the PSE have outweighed the benefits of being listed on the PSE and it has become uneconomical for the Company to maintain the listing of the common stock.

Any interested person may, on or before June 8, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–12201 Filed 5–21–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC.–19476; File No. 812–8226]

Merrill Lynch Life Insurance Company, et al.

May 17, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or the "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Merrill Lynch Life Insurance Company ("Merrill Lynch Life" or "Company"), ML Life Insurance Company of New York ("ML of New York" or "Company"); together with Merrill Lynch Life, the "Companies"), Merrill Lynch Life Variable Life Separate Account II and Merrill Lynch Variable Life Separate Account (the "Merrill Separate Accounts"; each, a "Separate Account"), ML of New York Variable Life Separate Account and ML of New York Variable Life Separate Account II (the "ML Separate Accounts"; each, a "Separate Account"; together with the Merrill Separate Accounts, the "Separate Accounts"), any other separate account established in the future by Merrill Lynch Life or ML of New York to support scheduled premium, single premium, or flexible premium variable life insurance contracts ("Future Accounts"), and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Underwriter").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions from section 27(c)(2) of the 1940 Act, paragraph (c)(4)(v) of Rule 6e–2 thereunder, and paragraph (c)(4)(v) of Rule 6e–3(T) thereunder.

SUMMARY OF APPLICATION: Applicants seek an order permitting a deduction from premiums received under certain variable life insurance contracts of an amount that is reasonable in relation to each Company's increased federal tax burden related to the receipt of such premiums and which results from the application of section 848 of the Internal Revenue Code of 1986, as amended.

FILING DATE: The application was filed on December 23, 1992 and amended on April 30, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 7, 1993, and should be accompanied by proof of service on Applicants, in the form of an affidavit

or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Merrill Lynch Life and the Merrill Separate Accounts, 800 Scudders Mill Road, Plainsboro, NJ 08536. ML of New York and the ML Separate Accounts, 717 Fifth Avenue, New York, NY 10022. The Underwriter, World Financial Center, 250 Vesey Street, New York, NY 10281.

FOR FURTHER INFORMATION CONTACT: Thomas E. Bisset, Senior Attorney, at (202) 272–2058 or Wendell M. Faria, Deputy Chief, at (202) 272–2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Merrill Lynch Life is a stock life insurance company organized under the laws of the State of Washington in 1986, and redomesticated under the laws of the State of Arkansas in 1991. ML of New York is a stock life insurance company organized under the laws of the State of New York in 1973.

2. Merrill Lynch Life Variable Life Separate Account II (formerly, Tandem Variable Life Separate Account of Tandem Insurance Group, Inc.) was established by Tandem Insurance Group, Inc. as a separate investment account on November 19, 1990, and was acquired by Merrill Lynch Life pursuant to a statutory merger of Tandem Insurance Group, Inc. with and into Merrill Lynch Life on October 1, 1991. Merrill Lynch Life established the Merrill Lynch Variable Life Separate Account as a separate investment account on November 16, 1990. ML of New York established the ML of New York Variable Life Separate Account as a separate investment account on November 19, 1990. ML of New York established the ML of New York Variable Life Separate Account II as a separate investment account on December 4, 1991. Each Separate Account holds, and any Future Account will hold, assets that are segregated from all of the applicable Company's other assets, and pursuant to the terms of the applicable contract, the assets equal to the reserves and other liabilities of each Separate Account are not, and of any Future Account will not be, chargeable with liabilities arising out of any other business which the applicable Company may conduct. Each Separate Account is, and any Future Account will be, used to support a Company's variable life insurance contracts that may be described as scheduled premium, single premium, or flexible premium variable life insurance contracts (the "Contracts").

3. Merrill Lynch Life Variable Life Separate Account II, Merrill Lynch Variable Life Separate Account, ML of New York Variable Life Separate Account, and ML of New York Variable Life Separate Account II are each registered with the Commission as a unit investment trust (File Nos. 811–6227, 811–6225, 811–6226, and 811–7152, respectively). Each of the Separate Accounts currently has 28 divisions, which invest in corresponding portfolios of one of two series-type investment companies: Merrill Lynch Series Fund, Inc., an open-end, diversified management investment company (File No. 811–3091) and The Merrill Lynch Fund of Stripped ("Zero") U.S. Treasury Securities, a series-type unit investment trust (File No. 811–3965).

4. The Underwriter is a direct wholly-owned subsidiary of Merrill Lynch & Co., Inc. The Underwriter acts as the principal underwriter for certain variable life insurance and variable annuity contracts issued by the Companies. The Underwriter is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc. The Contracts will be sold by registered representatives of the Underwriter.

5. Each Company, through one of its Separate Accounts or a Future Account, will offer to the public certain Contracts, including the joint and last survivor Estate Investor Contract and the single life Estate Investor Contract, each pursuant to an offering that will be registered under the Securities Act of 1933. In connection with each offering of Contracts, Applicants will rely upon either Rule 6e–2 or Rule 6e–3(T), as appropriate. In connection with offering the Estate Investor Contracts and certain other Contracts, Applicants propose to make certain deductions from premiums received in an amount that is reasonable in relation to each Company's increased federal tax burden related to the receipt of such premiums.

6. In the Omnibus Budget Reconciliation Act of 1990, Congress amended the Internal Revenue Code of 1986 by, among other things, enacting section 848 thereof. Section 848 changed the federal income taxation of life insurance companies by requiring them to capitalize and amortize over a period of ten years part of their general expenses for the current year. Under prior law, these expenses were deductible in full from the current year's gross income.

7. The amount of expenses that must be capitalized and amortized under section 848 is generally determined with reference to premiums for certain categories of life insurance and other contracts ("specified contracts"). Thus, for each specified contract, an amount of expenses must be capitalized and amortized equal to a percentage of the current year's net premiums (*i.e.*, gross premiums minus return premiums and reinsurance premiums) for that contract. The percentage varies, depending on the type of specified contract in question, according to a schedule set forth in section 848(c)(1).

8. Although framed in terms of requiring a portion of an insurance company's general expenses to be capitalized and amortized, section 848 in effect accelerates the realization of income from specified contracts for federal income tax purposes, and hence the payment of taxes on the income generated by those contracts. When the time value of money is taken into account, this has the economic consequence of increasing the tax burden borne by the insurance company that is attributable to such contracts. Because the amount of general deductions that must be capitalized and amortized is measured by premiums paid for specified contracts, an increased tax burden results from the receipt of those premiums. In this respect, the impact of section 848 can be compared to that of a state premium tax.

9. The Contracts are specified contracts that fall into the category of life insurance contracts, and under section 848, 7.7 percent of the net premiums received for the Contracts must be capitalized and amortized.

10. The increased tax burden resulting from section 848 on every $10,000 of net premiums received for the Contracts can be quantified as follows. In the year when the premiums are received, a Company's general deductions are reduced by $731.50, *i.e.*, an amount equal to (a) 7.7 percent of $10,000, or $770, minus (b) one-half year's portion of the ten-year amortization, or $38.50. Using a 34 percent corporate tax rate, this results in an increase in tax for the current year of $248.71. This amount will be partially offset by increased deductions that will be allowed during the next ten years as a result of amortizing the remainder of the $770

($77 in each of the following nine years and $38.50 in the tenth year).

11. In the business judgment of Merrill Lynch Life and ML of New York, a discount rate of at least 20 percent is appropriate for use in calculating the present value of the Companies' respective future tax deductions resulting from the amortization described above. Applicants submit that each Company's targeted rate of return, *i.e.*, the return each Company seeks on invested capital, is in excess of 10 percent. To the extent that capital must be used by a Company to satisfy its increased federal tax burden under section 848 resulting from the receipt of premiums, such capital is not available to the Company for investment. Thus, the cost to each Company of capital used to satisfy its increased federal tax burden under section 848 is, in essence, each Company's targeted rate of return, and accordingly, the targeted rate of return is appropriate for use in this present value calculation. To the extent that the 10 percent discount rate is lower than each Company's actual targeted rate of return, Applicants submit that a measure of comfort is provided that the calculation of each Company's increased tax burden attributable to the receipt of premiums will continue to be reasonable over time, even if the corporate tax rate applicable to the Companies is reduced, or their targeted rate of return is lowered.

12. In determining the targeted rate of return used in arriving at this discount rate, each Company states that it considered a number of factors. First, each Company identified the level of investment return that can be expected to be earned risk-free over the long term. This rate is based upon the expected yield on 30-year U.S. Treasury bonds. Then, this rate was increased by the market risk premium that is demanded by equity investors to compensate such investors for the risks associated with equity investments. This premium is based upon the average excess return earned by investing in equities as compared to that earned by investing in risk-free instruments. (*i.e.*, long-term U.S. Treasury bonds). Finally, the resulting rate was modified to reflect the relative volatility of an equity investment in Merrill Lynch & Co., Inc., the indirect parent of each Company. Applicants represent that such factors are appropriate factors to consider in determining each Company's targeted rate of return.

13. Using a corporate tax rate of 34 percent and assuming a discount rate of 10 percent, the present value of the tax effect of the increased deductions allowable in the following ten years, which partially offsets the increased tax burden, comes to $155.82. The effect of section 848 on the Contracts is, therefore, an increased tax burden with a present value of $92.89 for each $10,000 of net premiums, *i.e.*, $248.71 minus $155.82.

14. State premium taxes are deductible in computing each Company's federal income taxes. Thus, the Companies do not incur incremental income tax when they pass on state premium taxes to contract holders. In contrast, federal income taxes are *not* deductible in computing a Company's federal income taxes. In order to compensate each Company fully for the impact of section 848, therefore, it would be necessary to allow the Company to impose an additional charge that would make it whole not only for the $92.89 additional tax burden attributable to section 848, but also for the tax on the additional $92.89 itself. This tax can be determined by dividing $92.89 by the complement of the 34 percent federal corporate income tax rate, *i.e.*, 66 percent, resulting in an additional charge of $140.74 for each $10,000 of net premiums, or 1.41 percent.

15. Based on prior experience, each Company believes that it is reasonable to expect that virtually all future deductions will be fully taken. It is the judgment of each Company that a charge of 1.25 percent would reimburse it for the impact of section 848 on its federal tax liabilities. Applicants represent that the charge to be deducted by each Company pursuant to the relief requested is reasonably related to such Company's increased federal tax burden under section 848, taking into account the benefit to each Company of the amortization permitted by section 848, and the use by each Company of a 10 percent discount rate in computing the cost of the increased tax burden and the future deductions resulting from such amortization, such rate being no greater than each Company's targeted rate of return.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, securities, or transactions from any provision of the 1940 Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants request a Commission order pursuant to section 6(c) of the 1940 Act exempting Applicants from the provisions of section 27(c)(2) of the 1940 Act, from paragraph (c)(4)(v) of Rule 6e–2 thereunder, and from paragraph (c)(4)(v) of Rule 6e–3(T) thereunder, to the extent necessary to permit Applicants to deduct from premiums received in connection with certain scheduled premium, single premium, or flexible premium variable life insurance contracts an amount that is reasonable in relation to each Company's federal tax burden related to receipt of such premiums.

3. Applicants assert that it is proper for an insurer to deduct a charge for the insurer's tax burden attributable to premiums received from variable life insurance premiums, and to exclude such a deduction from sales load, because the deduction for the insurer's increased federal tax burden is a legitimate expense of the company, and is not for sales and distribution expenses. Applicants note that the Commission has previously considered similar deductions for tax burdens with respect to premium taxes in connection with its adoption of Rule 6e–2 and Rule 6e–3(T). In each case, the Commission permitted deductions for such taxes to be made and to be treated as other than sales load. Applicants assert that the propriety of a charge for an insurer's tax burden attributable to premiums received is the same whether such burden arises under state or federal law

4. Section 27(c)(2) of the 1940 Act prohibits the sale of periodic payment plan certificates unless the proceeds of all payments (except such amounts as are deducted for sales load) are held under an indenture or agreement containing in substance the provisions required by sections 26(a) (2) and (3) of the 1940 Act. Applicants state that Rule 6e–3(T)(b)(13)(iii) makes explicit what Rule 6e–2(b)(13)(iii) implies—that such deductions are for other than sales load, and include deductions to pay the insurer's tax liabilities arising as a result of its receipt of premium payments. Applicants represent that this relief is provided (implicitly under Rule 6e–2 and explicitly under Rule 6e–3(T)) without regard to whether such tax liabilities are imposed by states or by other governmental entities. Applicants seek relief from section 27(c)(2) of the 1940 Act only to preclude the possibility that the proposed deductions might not be entitled to the exemptive relief provided by Rule 6e–2(b)(13)(iii) and Rule 6e–3(T)(b)(13)(iii).

5. Rule 6e–2(b)(13)(iii) provides an exemption from Section 27(c)(2) of the 1940 Act; this relief permits deductions

of certain charges other than sales load, including "administrative expenses." Rule 6e–3(T)(b)(13)(iii) provides similar relief from Section 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction of certain charges other than sales load including "premium or other taxes imposed by any State or other governmental entity."

6. Applicants assert that particularly in light of the Commission's action regarding premium taxes in connection with the adoption of Rule 6e–2 and Rule 6e–3(T), the requested exemption from section 27(c)(2) of the 1940 Act should be granted. Applicants note that Commission has granted exemptive relief substantially similar to that requested by the Applicants.[1]

7. Rule 6e–2(c)(4) and Rule 6e–3(T)(c)(4) each define "sales load" for purposes of the respective Rule as the excess of premium payments over certain itemized charges and adjustments. A deduction for an insurer's increased federal tax burden as described above does not fall squarely into any of those itemized charges or deductions, arguably causing such a deduction to be treated as part of "sales load" under a literal reading of paragraph (c)(4) of each Rule.

8. Applicants submit that there is no public policy reason that deductions made to pay costs attributable to federal taxes should be treated as part of sales load, nor is there any language in the releases in which the Commission adopted Rule 6e–2 or adopted and amended Rule 6e–3(T) suggesting that such a result was intended, despite the literal wording of paragraph (c)(4) each Rule.

9. The exemption requested by the Applicants is necessary in order for them to rely on certain provisions of paragraph (b)(13) of each Rule, and particularly on subparagraph (b)(13)(i) of Rule 6e–2 or subparagraph (b)(13)(i) of Rule 6e–3(T), as applicable, each of which provides exemptions from Sections 27(a)(1) and 27(h)(1) of the 1940 Act. Issuers and their affiliates may only rely on subparagraph (b)(13)(i) of Rule 6e–2 or Rule 6e–3(T) if they meet the Rule's alternative limitations on sales load, as defined in paragraph (c)(4) of each Rule. Applicants state that, depending upon the load structure of a particular Contract, these alternative limitations may not be met if the deduction for the increased in the issuer's federal tax burden is included in sales load.

[1] Manufacturers Life Insurance Company of America, Release No. IC–18891 (Aug. 11, 1992) (notice); Release No. IC–18942 (Sept. 10, 1992) (order).

10. The public policy that underlies subparagraph (b)(13)(i) of each Rule, like that which underlies sections 27(a)(1) and 27(h)(1) of the 1940 Act, is to prevent excessive sales loads from being charged in connection with the sale of periodic payment plan certificates. Applicants submit that the treatment of a tax burden charge attributable to premium payments as sales load would not in any way further this legislative purpose because such a deduction has no relation to the payment of sales commissions or other distribution expenses. Applicants state that the Commission has concurred with this conclusion by excluding deductions for state premiums taxes from the definition of "sales load" in paragraph (c)(4) of each Rule.

1. Applicants assert that the genesis of the definition specified in paragraph (c)(4) of each Rule supports this analysis. Section 2(a)(35) of the 1940 Act provides a scale against which the percentage limits of sections 27(a)(1) and 27(h)(1) of the 1940 Act may be measured. Applicants state that paragraph (c)(4) is simply a more specific articulation of the requirements of section 2(a)(35) of the 1940 Act as applied to variable life insurance contracts. Section 2(a)(35) of the 1940 Act, like the definition specified in paragraph (c)(4) of each Rule, defines sales load derivatively. Applicants assert that the Commission's intent in adopting paragraph (c)(4) of Rule 6e–2 and of Rule 6e–3(T) was to tailor the general terms of Section 2(a)(35) to scheduled premium, single premium, and flexible premium variable life insurance contracts; this facilitated verification by the Commission of compliance with the sales load limits set forth in subparagraph (b)(13)(i) of each Rule. Rule 6e–2(c)(4) and Rule 6e–3(T)(c)(4) do not depart, in principal, from Section 2(a)(35).

12. Section 2(a)(35) of the 1940 Act excludes deductions from payments for "issue taxes" from the definition of sales load under the 1940 Act. Applicants submit that this suggests that it is consistent with the 1940 Act's policies to exclude from the definition of "sales load" in Rule 6e–2 and Rule 6e–3(T) deductions made to pay an insurer's costs attributable to its tax obligations. Further, Applicants submit that the reference in section 2(a)(35) to administrative expenses or fees that are "not properly chargeable to sales or promotional activities" suggests that the only deductions intended to fall within the definition of sales load are those that are properly chargeable to such activities. Because the proposed deductions will be used to compensate each Company for its increased federal tax burden attributable to the receipt of premiums, and are not properly chargeable to sales or promotional activities, Applicants assert that the language in Section 2(a)(35) is another indication that not treating such deductions as sales load is consistent with the policies of the 1940 Act.

13. Finally, Applicants state that the limitation to *state* premium taxes of the premium tax exclusion from the definition of "sales load" in Rule 6e–2(c)(4)(v) and in Rule 6e–3(T)(c)(4)(v) is probably an historical accident; when Rule 6e–2 and Rule 6e–3(T) were each adopted and, in the case of Rule 6e–3(T), later amended, the additional section 848 tax burden attributable to the receipt of premiums did not yet exist. Also, as noted above, Applicants submit that the Commission's action in granting relief that is substantially similar to that requested by the Applicants indicate that these deductions are properly treated as other than sales load.

14. Applicants assert that the terms of the relief requested with respect to Contracts to be issued through the Separate Accounts or through Future Accounts are consistent with the standards enumerated in section 6(c) of the 1940 Act. Without the requested relief, each Company would have to request and obtain exemptive relief for each Contract to be issued through a Future Account. Applicants state that such additional requests for exemptive relief would present no issues under the 1940 Act that have not already been addressed in this request for exemptive relief.

15. Applicants assert that the requested relief with respect to Contracts issued through Future Accounts is appropriate in the public interest because it would promote competitiveness in the variable life insurance market by eliminating the need for each Company to file redundant exemptive applications, thereby reducing its administrative expenses and maximizing the efficient use of its resources. The delay and expense involved in having to repeatedly seek exemptive relief would impair each Company's ability to effectively take advantage of business opportunities as they arise. In addition, Applicants state that the requested relief is consistent with the purposes of the 1940 Act and the protection of investors for the same reasons. If each Company were required to repeatedly seek exemptive relief with respect to the same issues addressed in this request for relief, investors would not receive any benefit or additional protection thereby

and might be disadvantaged as a result of such Company's increased overhead expenses.

Conditions for Relief

1. Applicants represent that each Company will monitor the reasonableness of the charge to be deducted by such Company pursuant to the requested exemptive relief.

2. Applicants represent that the registration statement for each Contract under which the above-referenced charge is deducted will (i) disclose the charge; (ii) explain the purpose of the charge; and (iii) state that the charge is reasonable in relation to the applicable Company's increased federal tax burden under section 848 resulting from the receipt of premiums.

3. Applicants represent that the registration statement for each Contract under which the above-referenced charge is deducted will contain as an exhibit an actuarial opinion as to (i) the reasonableness of the charge in relation to the applicable Company's increased federal tax burden under section 848 resulting from the receipt of premiums; (ii) the reasonableness of the targeted rate of return that is used in calculating such charges; and (iii) the appropriateness of the factors taken into account by such Company in determining such targeted rate of return.

Conclusion

Applicants submit that for the reasons and upon the facts set forth above, the requested exemptions from section 27(c)(2) of the 1940 Act, paragraph (c)(4)(v) of Rule 6e–2 thereunder, and paragraph (c)(4)(v) of Rule 6e–3(T) thereunder to permit the Companies to deduct 1.25% of premium payments under the Contracts meet the standards in Section 6(c) of the 1940 Act. In this regard, Applicants assert that granting the relief requested in this application would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12199 Filed 5–21–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19478; 812–8390]

Smith Barney, Harris Upham & Co. Inc.; Temporary Order and Notice of Application

May 18, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Temporary order and notice of application for permanent order of exemption under the Investment Company Act of 1940 (the "Act").

APPLICANT: Smith Barney, Harris Upham & Co., Inc.

RELEVANT ACT SECTIONS: Exemption from section 9(a) under section 9(c).

SUMMARY OF APPLICATION: Applicant has been granted a temporary conditional order, and has requested a permanent conditional order, under section 9(c) exempting applicant from section 9(a) to the extent necessary to permit applicant to employ two individuals who are subject to securities related injunctions.

FILING DATE: The application was filed on May 14, 1993.

HEARING OR NOTIFICATION OF HEARING: Interested persons may request a hearing on the application by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 14, 1993, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, 1345 Avenue of the Americas, New York, NY 10105.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a securities brokerage and investment banking firm. Applicant also is a registered investment adviser. Applicant serves as (a) investment adviser to The Inefficient-Market Fund, Inc.; (b) sub-adviser to Smith Barney Equity Funds, Inc., Smith Barney Funds, Inc., Smith Barney Variable Account Funds, and Smith Barney World Funds, Inc.; (c) principal underwriter to the Smith Barney Funds, Smith Barney Money Funds, Inc., Smith Barney Muni Bond Funds, and Smith Barney Tax Free Money Fund, Inc.; and (d) a depositor and principal underwriter of numerous unit investment trusts.

2. Primerica Corporation is applicant's ultimate parent corporation. Other indirect subsidiaries of Primerica also are engaged in the broker-dealer, depositor, and investment advisory businesses, including with respect to registered investment companies.

3. On March 12, 1993, applicant entered into an acquisition agreement pursuant to which, among other things, applicant agreed to acquire (the "Acquisition") the domestic retail brokerage and asset management businesses of Shearson Lehman Brothers Inc. ("Shearson"). The Acquisition includes the stock of The Robinson-Humphrey Company, Inc. ("Robinson-Humphrey"), a subsidiary of Shearson. Applicant expects to complete the Acquisition sometime in the third quarter of 1993. Applicant then will change its name to Smith Barney Shearson, Inc.

4. During its due diligence review of Shearson's operations after execution of the acquisition agreement, applicant learned that Sheldon Wilshinsky ("Wilshinsky"), a financial consultant at Shearson, and Lawrence Marsh ("Marsh"), an employee of Robinson-Humphrey, are subject to securities related injunctions. Wilshinsky and Marsh (the "Subject Employees") are among the individuals whom applicant anticipated would continue as employees of Smith Barney Shearson, Inc. On April 12, 1993, the Subject Employees resigned from their respective positions at Shearson and Robinson-Humphrey. Applicant proposes to employ the Subject Employees as registered representatives at the earliest possible time, subject to receiving the requested exemption.

5. In 1976, while employed by Shearson as a registered representative, Wilshinsky was permanently enjoined from engaging in certain manipulative or deceptive practices in connection with the offer or sale of securities. Wilshinsky consented to the injunction in a suit brought by the Commission alleging violations of section 17(a) of the Securities Act of 1933 (the "Securities Act"), and section 10(b) of the Securities Exchange Act of 1934 (the "Exchange

Act") and rule 10b–5 thereunder. The Commission's complaint alleged that in 1975 Wilshinsky was offered and received stock in Tucker Drilling Company Inc. as compensation for his efforts in soliciting purchasers of Tucker's stock, and that Wilshinsky failed to disclose the compensation to the prospective purchasers of Tucker's stock. Wilshinsky also was suspended from association with any broker, dealer, or investment company for a period of sixty days under a settlement of an administrative proceeding instituted by the Commission involving the same conduct.

6. Since the entry of the injunction and suspension, Wilshinsky has been involved in four customer-initiated arbitration proceedings. One of such proceedings was settled for a payment by Shearson of $630. In the remaining three proceedings the claims were dismissed. In addition, Shearson received two customer complaints relating to Wilshinsky that did not result in any arbitration proceeding, settlement, or other formal action.

7. In 1983, while employed by Shearson as a registered representative, Marsh was permanently enjoined from engaging in certain manipulative or deceptive practices in connection with the offer or sale of securities. Marsh consented to the injunction in a suit brought by the Commission alleging violations of sections 10(b) and 14(e) of the Exchange Act and rule 10b–5 thereunder. Marsh also agreed to disgorge approximately $7,000 in profits. The Commission's complaint alleged that in 1980, while in possession of material non-public information concerning Clark Oil & Refining Corporation, Marsh purchased stock of Clark without disclosing such information to the sellers of the stock. Since the entry of the injunction, neither Shearson nor Robinson-Humphrey has received any customer complaint relating to Marsh.

8. Applicant notes that it has extensive compliance and registration procedures to ensure that prospective employees who are subject to a statutory disqualification under section 9 of the Act do not become employed by any Smith Barney company involved in investment company activities until the section 9 issues are appropriately resolved. These policies and procedures will continue to be applicable to Smith Barney Shearson, Inc. following the Acquisition.

Applicant's Legal Analysis

1. If the Subject Employees become employees of applicant, applicant will be subject to the disqualification provisions of section 9(a). Applicant requests (a) a temporary exemption from the provisions of section 9(a) for a period of 90 days following the date of entry of the temporary order to relieve applicant from any ineligibility under section 9(a) by reason of the employment by applicant of the Subject Employees; and (b) a permanent order granting the requested relief.

2. Section 9(a)(2) of the Act, in pertinent part, prohibits any person who has been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of a security from acting as an employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company. A company with an employee or other affiliated person ineligible to serve in any of these capacities under section 9(a)(2) is similarly ineligible under section 9(a)(3).

3. Section 9(c) provides that the Commission shall grant an application for an exemption from the disqualification provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that these provisions, as applied to the applicant, are unduly or disproportionately severe or that the conduct of the applicant has been such as not to make it against the public interest or protection of investors to grant such application.

4. Applicant asserts that the application of the prohibitions of section 9(a) to applicant by reason of the employment of the Subject Employees would be unduly and disproportionately severe. Applicant also asserts that the conduct of applicant and the Subject Employees has been such as to make it not against the public interest or the protection of investors to grant the requested relief.

5. Applicant states that the Subject Employees will not serve in any capacity related in any way to the provision of investment advice to any registered investment company or to acting as principal underwriter to any registered open-end investment company or as principal underwriter or depositor to any registered unit investment trust.[1] The Subject Employees will not be officers of applicant or serve in a policy-making role or participate in the management or administrative activities of applicant relating to registered investment companies.

6. Applicant states that the conduct complained of by the Commission on the part of the Subject Employees does not relate to investment company activities. Applicant notes that the injunction against Wilshinsky was entered more than 16 years ago and the injunction against Marsh was entered more than 10 years ago. Neither of the Subject Employees has been subject to similar action, nor to the knowledge of applicant have any complaints (other than the complaints described above) been filed against the Subject Employees with the Commission, any self-regulatory organization, or any state securities commission, since the date of their respective injunctions.

7. Finally, applicant asserts that the balance of fairness requires that the requested relief be granted. In the Acquisition, applicant will acquire the customer accounts developed and managed by the Subject Employees. If the exemption is not granted, applicant will not offer to employ the Subject Employees because to do so would subject applicant to a section 9(a) bar on investment company activities. Consequently, the Subject Employees would be cut off from their livelihoods and their customers would lose the benefit of continuity in service.

Applicant's Condition

Applicant agrees that any order granted by the Commission pursuant to the application will be subject to the condition set forth below:

Applicant will not employ either of the Subject Employees in any capacity related directly to the provision of investment advisory services for registered investment companies, or acting as a principal underwriter for a registered open-end investment company, or as a principal underwriter or depositor for a registered unit investment trust.

Temporary Order

The Division of Investment Management, pursuant to delegated authority, has considered the matter and finds, under the standards of section 9(c), that applicant has made the necessary showing to justify granting a temporary exemption. Accordingly,

It is ordered, under section 9(c) of the Act, that applicant is hereby temporarily exempted from the provisions of section 9(a) of the Act until the earlier of August 16, 1993 or the date on which the Commission takes final action on the application for an order granting

[1] Applicant states that it expects that the Subject Employees will be involved to some degree in the retail sale of investment company securities.

applicant a permanent exemption from the provisions of section 9(a).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12198 Filed 5–21–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2643]

Alabama; Declaration of Disaster Loan Area

Tuscaloosa County and the contiguous counties of Bibb, Fayette, Greene, Hale, Jefferson, Pickens, and Walker in Alabama constitute a disaster area as a result of damages caused by severe storms and tornadoes which occurred on May 3, 1993. Applications for loans for physical damage may be filed until the close of business on July 12, 1993 and for economic injury until the close of business on February 14, 1994 at the address listed below:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, GA 30308

or other locally announced locations.

The interest rates are:

For Physical Damage:	*Percent*
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.625
For Economic Injury:	
Business and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 264312 and for economic injury the number is 790100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 13, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–12245 Filed 5–21–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2636; Amendment #3]

Florida; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended, effective May 9, to extend the deadline for filing applications for physical damage to July 1, 1993.

All other information remains the same, i.e., the termination date for filing applications for economic injury is December 13, 1993.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 13, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–12248 Filed 5–21–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Economic Injury Disaster Loan Area #7908]

Illinois (And A Contiguous County in Iowa) Declaration of Disaster Loan Area

Jersey and Rock Island Counties and the contiguous Counties of Calhoun, Greene, Henry, Macoupin, Madison, Mercer, and Whiteside in the State of Illinois and Clinton County in the State of Iowa constitute an economic injury disaster area as a result of damages caused by severe storms and torrential rains which began in mid-March of 1993. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on February 14, 1994 at the address listed below:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, Georgia 30308

or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury numbers are 790800 for Illinois and 790900 for Iowa.

Muscatine and Scott Counties, Iowa, which are contiguous to Rock Island County, Illinois, are covered by a declaration for the State of Iowa, with the same occurrence; and St. Charles County, Missouri, which is contiguous to Jersey County, Illinois, is covered by a declaration for the State of Missouri with the same occurrence.

(Catalog of Federal Domestic Assistance Program No. 59002.)

Dated: May 14, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–12247 Filed 5–21–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2644]

Missouri; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on May 11, 1993, I find that the Counties of Lincoln and St. Charles in the State of Missouri constitute a disaster area as a result of damages caused by severe storms and flooding beginning April 15 and continuing. Applications for loans for physical damage may be filed until the close of business on July 10, 1993, and for loans for economic injury until the close of business on February 11, 1994, at the address listed below:

U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Boulevard, suite 102, Fort Worth, Texas 76155

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous counties of Franklin, Montgomery, Pike, St. Louis and Warren in the State of Missouri, and Calhoun, Jersey and Madison Counties in the State of Illinois may be filed until the specified date at the above location.

The interest rates are:

For Physical Damage:	*Percent*
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.625
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 264406 and for economic injury the numbers is 790200. The economic injury number for Illinois is 790300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 17, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–12249 Filed 5–21–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2645]

North Carolina (With Contiguous Counties in South Carolina and Virginia); Declaration of Disaster Loan Area

Brunswick, Currituck and Dare Counties and the contiguous counties of Camden, Columbus, Hyde, New Hanover, and Pender in North Carolina; Horry County in South Carolina; and the Independent Cities of Chesapeake and Virginia Beach in Virginia constitute a disaster area as a result of damages caused by a severe winter storm with high winds, flooding and heavy snow which occurred on March 12 through March 13, 1993. Applications for loans for physical damage may be filed until the close of business on July 12, 1993 and for economic injury until the close of business on February 14, 1994 at the address listed below:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Plaza, suite 360, Atlanta, GA 30308

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.625
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are, for North Carolina, 264511; South Carolina, 264611; and Virginia, 2647. For economic injury the numbers are, for North Carolina, 790400; South Carolina, 7905; and Virginia, 790600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 13, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–12246 Filed 5–21–93; 8:45 am]

BILLING CODE 8025–01–M

Los Angeles District Advisory Council; Public Meeting

The U.S. Small Business Administration Los Angeles District Advisory Council will hold a public meeting at 9:30 a.m. on Thursday, June 17, 1993, at the Casa Sirena Marina Resort, 3605 Peninsula Road, Oxnard, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Michael A. Lee, District Director, U.S. Small Business Administration, 330 N. Brand Boulevard, suite 1200, Glendale, California 91203, (213) 894–4566.

Dated: May 13, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–12243 Filed 5–21–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended May 14, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48802

Date filed: May 11, 1993

Parties: Members of the International Air Transport Association

Subject: MV/PSC/090 dated April 15, 1993 RP1720a-Numbering System for Traffic Documents.

Proposed Effective Date: June 5, 1993

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–12176 Filed 5–21–93; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended May 14, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48803

Date filed: May 11, 1993

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 8, 1993

Description: Application of Worldwide Airline Services, Inc. d/b/a Leisure Air, pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations, to authorize Leisure Air to engage in scheduled interstate and overseas air transportation of persons, property, and mail.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–12177 Filed 5–21–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Advisory Circular; Composite Propeller Blade Fatigue Substantiation

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC), No. 35.37–1, Composite Propeller Blade Fatigue Substantiation. The AC provides information and guidance concerning an acceptable method, but not the only method, by which composite propeller blades can be fatigue evaluated for determination of safe vibratory loadings, as required by Federal Aviation Regulations (FAR) 35.37.

DATES: Advisory Circular No. 35.37–1 was issued by the New England Aircraft Certification Service, Engine and Propeller Directorate, on May 11, 1993.

FOR FURTHER INFORMATION CONTACT: Federal Aviation Administration (FAA), Attn: Martin Buckman, Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299, telephone (617) 273–7079, fax (617) 270–2412.

SUPPLEMENTARY INFORMATION: In recent years, propellers with composite blades, introduced by several domestic and foreign manufacturers, have been type certificated. These blades have different design features compared to blades manufactured of metal or wood.

Composite blades have fibers that can be woven or aligned in specified directions to give directional properties. The properties also depend on the type of fiber, their concentration, and matrix material.

The structure can exhibit multiple modes of failure. Allowable design

stress limits must consider degrading effects of environmental exposure expected in service, such as, temperature, moisture, erosion, nicks, and chemical attack. Additionally, there are new and different design considerations for the retention of blades in the hub.

Interested parties were given the opportunity to review and comment on the draft AC during the proposal and development phases. Notice was published in the **Federal Register** (55 FR 52928), December 24, 1990, to announce the availability of, and request comments to, the draft AC.

This advisory circular, published under the authority granted to the Administrator by 49 U.S.C. 106(g), 49 U.S.C. app. 1354(a), 1421 and 1423, provides guidance by which composite propeller blades can be fatigue evaluated in order to determine safe vibratory loadings.

Issued in Burlington, Massachusetts, on May 11, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93–12178 Filed 5–21–93; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs Meetings

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, enforcement and other programs. In addition, NHTSA will hold a second public meeting later in the day to answer questions and give presentations on its research and development programs.

DATES: The Agency's regular, quarterly public meeting relating to the agency's rulemaking, enforcement and other programs will be held on June 23, 1993, beginning at 9:30 a.m. and ending at approximately 12:30 p.m. Questions relating to the agency's rulemaking, enforcement and other programs must be submitted in writing by June 14, 1993, to the address shown below. If sufficient time is available, questions received after the June 14, date may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by June 14, 1993, and the issues to be discussed will be mailed to interested persons by June 17, 1993, and will be available at the meeting. The individual, group or company asking a question does not have to be present for the question to be answered.

Also, later in the day, the agency will hold a second public meeting devoted exclusively to a presentation of research and development programs. A subsequent notice will provide the agenda. The meeting will begin at 1:30 p.m. and end at approximately 5 p.m. If time permits, the R&D meeting will begin earlier.

ADDRESSES: Questions for the June 23 NHTSA Technical Industry Meeting, to be held from 9:30 a.m. to 12:30 p.m., relating to the agency's rulemaking and enforcement programs should be submitted to Barry Felrice, Associate Administrator for Rulemaking, NRM–01, National Highway Traffic Safety Administration, room 5401, 400 Seventh Street SW., Washington, DC 20590. Comments and questions for the Research and Development Program Meeting to be held from 1:30 p.m. to 5 p.m. should be submitted to George L. Parker, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, room 6206, 400 Seventh Street SW., Washington, DC 20590. Both meetings will be held at the Ramada Inn, near the Detroit Metro Airport, 8270 Wickham Road, Romulus, MI 48174.

SUPPLEMENTARY INFORMATION: NHTSA will hold its regular, quarterly meeting from 9:30 a.m. to 12:30 p.m., to answer questions from the public and the regulated industries regarding the agency's rulemaking, enforcement and other programs, on June 23, 1993. Since the agency is holding a separate meeting on its crashworthiness, crash avoidance, and data collection and analysis research programs, any comments on those programs will only be answered at the afternoon meeting and should be submitted to the Research and Development Office. Questions on other aspects of the agency's research and development activities (i.e., related to ongoing rulemakings or highway safety issues), should be submitted, as in the past, to the agency's Rulemaking Office. The meeting will be held at the Ramada Inn, 8270 Wickham Road, Romulus, Michigan. The purpose of the meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, room 5108, 400 Seventh Street, SW., Washington DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4 p.m.

At the NHTSA research and development programs meeting, to be held from 1:30 p.m. to 5 p.m. addressing research and development programs only, the agency will provide detailed presentations on two to four specific topics. The agency previously solicited suggestions regarding the potential topics. A later notice will identify the specific topics and the agenda for the afternoon R&D meeting. At subsequent meetings the Agency will describe other research program areas and respond to questions. As with the regular quarterly meeting as noted above, a transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section.

NHTSA will provide auxiliary aids to participants as necessary, during the NHTSA Technical Industry Meeting and the NHTSA Industry Research and Development Meeting. Thus, any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, Brailled materials, or large print materials and/or a magnifying device), please contact Barbara Carnes on (202) 366–1810, by COB June 17, 1993, for the 9:30 a.m. to 12:30 p.m. portion of the meeting or Barbara Coleman (202) 366–1537 by COB June 17, 1993 for the 1:30 p.m. to 5 p.m. portion.

Issued: May 18, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–12164 Filed 5–21–93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the

following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collections and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: May 10, 1993.

By direction of the Secretary.

Marjorie M. Leandri,

Chief, Records, Reports and Regulations Division.

Revision

1. Request for Employment Information in Connection with Claim for Disability Benefits, VA Form 21–4192
2. This form is used to request employment information from the veteran's most recent employer. This information is used to determine disability benefits.
3. Businesses or other for-profit—Small businesses or organizations
4. 15,000 hours
5. 15 minutes
6. On occasion
7. 65,000 respondents

Extension

1. Employment Questionnaire, VA Forms 21–4140, 21–4140–1 and 21–4140a
2. The forms are used to gather continuing unemployability information to determine continued eligibility for 100 percent compensation based on individual unemployability.
3. Individuals or households
4. 3,790 hours
5. 5 minutes
6. On occasion
7. 45,480 respondents

Extension

1. Income Verification, VA Forms 21–0161 and 21–0161a
2. The forms are used to verify a beneficiary's income-dependent benefits in connection with the administration of veterans benefits. The information is used by VA to accurately adjust pension benefits payments and avoid overpayments.
3. Individuals or households—State or local governments—Farms—Businesses or other for-profit—Federal agencies or employees—Non-profit institutions—Small businesses or organizations
4. 114,000 hours
5. 30 minutes
6. On occasion
7. 228,000 respondents

Reinstatement

1. Report of Medical Examination for Disability Evaluation, VA Form 21–2545
2. This form is used to collect the necessary information from a claimant prior to undergoing a VA examination and to record the findings of the examining physician.
3. Individuals or households
4. 45,000 hours
5. 15 minutes
6. On occasion
7. 180,000 respondents

Reinstatement

1. Loan Guaranty: Lender Appraisal Processing Program
2. The information collection is used by authorized lenders to determine the reasonable value of properties being purchased with VA guaranteed loans.
3. State or local governments—Businesses or other for-profit—Small businesses or organizations
4. 1 hour
5. 30 minutes
6. On occasion
7. 23,300 respondents

Reinstatement

1. Request to Employer for Employment Information in Connection with a Claim for Disability Benefits, VA Form Letter 29–459
2. This form is used to establish the insured's eligibility for disability insurance benefits.
3. Businesses or other for-profit—Small businesses or organizations
4. 862 hours
5. 10 minutes
6. On occasion
7. 5,167 respondents.

[FR Doc. 93–12163 Filed 5–21–93; 8:45 am]

BILLING CODE 8320–01–M

Privacy Act of 1974, New Routine Use Statement

ACTION: Notice; New Routine Use Statement.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is adding a routine use to a system of records.

DATES: Interested persons are invited to submit written comments, suggestions, or objections regarding the new routine use. All relevant material received before (Insert 30 days after date of publication in **Federal Register**) will be considered. All written comments received will be available for public inspection in Room 170 at the address given below between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 6, 1993. If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by VA, the routine use is effective June 23, 1993.

ADDRESSES: Written comments concerning the new routine use may be mailed to the Secretary, Department of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Harold Ramsey, Program Specialist, Medical Administration Service (161B4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 535–7657.

SUPPLEMENTARY INFORMATION: The Consolidated Omnibus Budget Reconciliation Act of 1984, Pub. L. 99–272, and The Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, authorized VA to recover or collect from third-party health insurers the cost of medical care furnished to veterans for the treatment of their nonservice-connected conditions. The routine use is proposed to permit VA to disclose patient identifying information to the Civilian Health and Medical Program of the Uniformed Services of the Department of Defense, the Federal Employees Health Benefit Program of the Office of Personnel Management, and the Medicare Program of the Department of Health and Human Services in order to determine if there is a third-party health insurer responsible for the medical care costs of certain VA patients. Patient identifying information will also be disclosed to third parties that are contracted by VA and other Federal agencies to identify health insurers that are responsible for the medical care costs of certain VA

patients. The receipt of such information would permit VA to initiate recovery action in those cases where patients have health insurance coverage.

The proposed routine use will be added to the system of records entitled "Patient Medical Records—VA" (24VA136) set forth on page 938 of the **Federal Register** publication, "Privacy Act Issuances, 1991 Compilation, Volume II" and amended at 57 FR 28003, June 23, 1992, and 57 FR 45419, October 1, 1992.

Approved: May 13, 1993.

Hershel W. Gober,

Deputy Secretary.

In the system identified as 24VA136, "Patient Medical Records—VA" appearing on page 938 of the **Federal Register** publication, "Privacy Act Issuances, 1991 Compilation, Volume II," and amended at 57 FR 28003, June 23, 1992, and 57 FR 45419, October 1, 1992, the following routine use is added:

24VA136

SYSTEM NAME:

Patient Medical Records—VA

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

42. Patient identifying information may be disclosed from this system of records to Federal agencies such as the Department of Defense, Office of Personnel Management and Department of Health and Human Services and VA and government-wide third-party contractors for the purpose of identifying third-party insurers responsible for payment of the cost of medical care for the identified patients in order for VA to seek recovery of the medical care costs. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

* * * * *

[FR Doc. 93–12162 Filed 5–21–93; 8:45 am]

BILLING CODE 8320–01–M

PRESIDENT'S TASK FORCE ON NATIONAL HEALTH CARE REFORM

Closed Meeting

The President's Task Force on National Health Care Reform will hold a closed meeting on May 24, 1993, to formulate, and deliberate with respect to, advice for the President on national health care reform issues.

Pursuant to 41 CFR § 101–6.1015(b)(2), notice of less than 15 days is provided because of the extraordinary circumstance of the short time frame within which the President's Task Force has been asked by the President to formulate advice for the President on a national health care reform proposal.

The above-referenced meeting is closed in its entirety to the public pursuant to the opinion and order of the United States District Court for the District of Columbia in *Association of American Physicians and Surgeons, et al.* v. *Clinton, et al.*, No. 93–399 (D.D.C. March 10, 1993) (Lamberth, J.).

The above schedule is subject to change.

Dated: May 21, 1993.

Vincent W. Foster,

Deputy Counsel to the President.

[FR Doc. 93–12462 Filed 5–21–93; 1:20 pm]

BILLING CODE 3195–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 98
Monday, May 24, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, May 26, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

Open to the Public

1. Pride in Public Service

The Commission will present the Pride in Public Service Award to May's recipient.

2. Cigarette Lighters

The staff will brief the Commission on a rule under the Consumer Product Safety Act to require disposable and novelty cigarette lighters to meet certain requirements for child resistance.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Dated: May 19, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–12358 Filed 5–20–93; 1:28 pm]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 27, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

Open to the Public

Fireworks Fuse Petition HP 91–2

The staff will brief the Commission on petition HP 91–2 from the American Pyrotechnics Association requesting an increase in the fuse burn time allowed under the Commission's fireworks regulations.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Dated: May 19, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–12359 Filed 5–20–93; 1:28 pm]

BILLING CODE 6355–01–M

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), U.S.C. 552b:

DATE AND TIME: May 26, 1993, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 980th Meeting—May 26, 1993, Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 2391–002, The Potomac Edison Company
CAH–2.
Project No. 6624–008, Alfred D. Huey
CAH–3.
Project No. 7274–023, Town of Wells, New York
CAH–4.
Project No. 2509–002, The Potomac Edison Company
CAH–5.
Project No. 10468–009, Marsh Valley Hydroelectric Company
CAH–6.
Project No. 9202–071, Upper Yampa Water Conservancy District
CAH–7.
Project No. 2101–036, Sacramento Municipal Utility District
CAH–8.
Project No. 9202–072, Upper Yampa Water Conservancy District
CAH–9.
Project No. 2197–015, Yadkin, Inc.
CAH–10.
Project No. 2445–004, OMYA, Inc.
CAH–11.
Project No. 2113–030, Wisconsin Valley Improvement Company
CAH–12.
Project Nos. 8909–029 and 8654–023, Noah Corporation
CAH–13.
Project No. 2407–007, Alabama Power Company
CAH–14.
Omitted
CAH–15.
Project No. 2731–007, Central Vermont Public Service Corporation
CAH–16.
Project No. 9885–034, Marysville Hydro Partners
CAH–17.
Project No. 2239–006, Tomahawk Power & Pulp Company
CAH–18.
Project No. 9401–008, Halecrest Company
Project No. 8595–002, Energy Storage Corporation
Project No. 9105–002, Esperanza Power Limited Partnership
CAH–19.
Project No. 9025–005, Weyerhaeuser Company
CAH–20.
Omitted
CAH–21.
Project No. 2742–019, Alaska Energy Authority

Consent Agenda—Electric

CAE–1.
Docket No. ER93–471–000, Cleveland Electric Illuminating Company Docket No. EL93–31–000, City of Cleveland, Ohio v. Cleveland Electric Illuminating Company
CAE–2.
Docket No. ER93–498–000, Central Louisiana Electric Company, Inc.
CAE–3.
Docket No. ER93–388–000, Kansas City Power & Light Company
CAE–4.
Docket No. ER93–96–002, Delmarva Power & Light Company
CAE–5.
Docket No. ER93–456–000, Union Light, Heat and Power Company
CAE–6.
Docket No. ER93–237–000, Kansas City Power & Light Company
CAE–7.
Docket No. EL93–20–000, New York State Electric & Gas Corporation
CAE–8.
Docket Nos. ER91–569–004, ER92–761–001 and ER93–250–001, Entergy Services, Inc.
CAE–9.
Docket No. EL92–15–003, Florida Power & Light Company
CAE–10.
Docket No. EL93–21–001, Vermont Yankee Nuclear Power Corporation

Docket No. EL93–22–001, Maine Yankee Atomic Power Company
Docket No. EL93–25–001, Town of Norwood Massachusetts v. Vermont Yankee Nuclear Power Corporation and Maine Yankee Atomic Power Company

CAE–11.
Docket No. EC90–10–008, Northeast Utilities Service Company (Re Public Service Company of New Hampshire)
Docket No. ER93–294–001, Northeast Utilities Service Company

CAE–12.
Omitted

CAE–13.
Docket No. EG93–37–000, Wallkill Generating Company, L.P.

CAE–14.
Docket No. EG93–38–000, SEI Hawaiian Cogenerators, Inc.
Docket No. EG93–39–000, Birchwood Development Corporation
Docket No. EG93–40–000, Birchwood Power Partners, L.P.
Docket No. EG93–41–000, Southern Electric Wholesale Generators, Inc.
Docket No. EG93–42–000, SEI Birchwood, Inc.

CAE–15.
Docket No. EG93–43–000, Central Termica Alto Valley, S.A

CAE–16.
Docket No. EG93–45–000, Belize Electric Company Limited

CAE–17.
Docket No. EG93–46–000, Richmond Generating Company, L.P.
Docket No. EG93–47–000, Muscogee Generating Company, L.P.
Docket No. EG93–48–000, Haralson Generating Company, L.P.
Docket No. EG93–49–000, Clarke Generating Company, L.P.

CAE–18.
Docket No. QF88–292–002, Kamine/Besicorp Allegany L.P.

CAE–19.
Docket No. EL93–17–000, South Carolina Electric & Gas Company

CAE–20.
Docket Nos. ES93–21–000, 001, 002 and 003, Multitrade Limited Partnership

CAE–21.
Docket No. ER92–330–005, Green Mountain Power Corporation

Consent Agenda—Oil and Gas

CAG–1.
Docket Nos. RP93–106–000 and 001, Texas Gas Transmission Corporation

CAG–2.
Docket No. RP93–104–000, Texas Gas Transmission Corporation

CAG–3.
Docket No. RP93–111–000, Natural Gas Pipeline Company of America

CAG–4.
Docket No. RP93–36–002, Natural Gas Pipeline Company of America

CAG–5.
Docket No. RP93–114–000, Northern Natural Gas Company

CAG–6.
Docket No. RP93–109–000, Williams Natural Gas Company

CAG–7.
Docket No. RP93–112–000, Texas Eastern Transmission Corporation

CAG–8.
Docket No. RP93–110–000, Carnegie Natural Gas Company

CAG–9.
Docket No. RP93–113–000, Algonquin Gas Transmission Company

CAG–10.
Docket No. RP93–137–011, Northwest Pipeline Corporation

CAG–11.
Docket No. RP93–108–000, El Paso Natural Gas Company

CAG–12.
Docket Nos. TA93–1–56–000 and TM93–2–56–000, Valero Interstate Transmission Company

CAG–13.
Docket No. TM93–4–16–000, National Fuel Gas Supply Corporation

CAG–14.
Docket No. TA93–1–55–000, Questar Pipeline Company

CAG–15.
Docket Nos. TA93–1–25–000 and TQ93–11–25–000, Mississippi River Transmission Corporation

CAG–16.
Docket No. TM93–5–48–000, ANR Pipeline Company

CAG–17.
Docket No. RP92–74–005, South Georgia Natural Gas Company

CAG–18.
Docket Nos. RP93–6–008 and RS92–75–002, Paiute Pipeline Company

CAG–19.
Docket Nos. RP93–80–001, RP93–81–001 and RS92–14–004, CNG Transmission Corporation

CAG–20.
Docket No. RP93–237–008, Alabama-Tennessee Natural Gas Company

CAG–21.
Docket Nos. RP91–161–012, RP92–3–006, RP90–108–019, RP91–82–010 and RS92–5–003, Columbia Gas Transmission Corporation
Docket Nos. RP91–160–009, RP92–2–006, RP90–107–016 and RS92–6–003, Columbia Gulf Transmission Corporation

CAG–22.
Docket No. GP90–11–002, Nicor Exploration Company

CAG–23.
Docket Nos. RP88–197–010 and RP88–236–004, Williston Basin Interstate Pipeline Company

CAG–24.
Docket Nos. RP86–41–011, RP87–14–011 and RP90–22–018, Algonquin Gas Transmission Corporation

CAG–25.
Omitted

CAG–26.
Omitted

CAG–27.
Docket No. ST90–1471–00, *et al.*, Transok, Inc.

Docket No. ST92–1060–000, *et al.*, Texas Gas Gathering Company

Docket No. ST92–5654–000, *et al.*, Lone Star Gas Company

Docket No. ST93–280–000, *et al.*, NOARK Pipeline System, LTD.

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CAG–29.
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CAG–30.
Docket No. RS92–42–002, MIGC, Inc.

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Docket No. RS92–78–002, Sabine Pipe Line Company

CAG–32.
Docket No. RS92–11–008, Texas Eastern Transmission Corporation

Docket No. RS92–63–002, Great Lakes Gas Transmission Limited Partnership

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Dated: May 19, 1993.

Lois D. Cashell,

Secretary.

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Part II

Environmental Protection Agency

40 CFR Part 264 et al.

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated; Interim Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264, 265, 268, 270, and 271

[FRL 4656–7]

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today amending the treatment standards under the land disposal restrictions (LDR) program for wastes displaying the characteristic of ignitability (EPA Hazard Code D001) other than those ignitable wastes containing greater than 10 percent total organic carbon (i.e., D001 high TOC subcategory), and corrosivity (EPA Hazard Code D002) that are managed in systems other than those regulated under the Clean Water Act (CWA), those zero dischargers treating wastewater by CWA-equivalent treatment prior to ultimate land disposal, and those injecting into Class I deep wells regulated under the Safe Drinking Water Act (SDWA). This action is being taken to comply with the September 25, 1992 decision of the U.S. Court of Appeals in *Chemical Waste Management* v. *EPA*, 976 F.2d 2 (D.C. Cir. 1992). The underlying rule at issue in the opinion was signed on May 8, 1990, and published on June 1, 1990 (55 FR 22520). In the court's decision, the deactivation treatment standards for certain ignitable and corrosive wastes were vacated. Because land disposal of these wastes would be prohibited if no treatment standard is in place, EPA is replacing the vacated treatment standard before the court's mandate becomes effective to avoid an absolute ban on land disposal of these wastes.

DATES: This interim final rule is effective on May 10, 1993.

Comments may be submitted on or before July 9, 1993.

ADDRESSES: The public must send an original and two copies of their written comments to the EPA RCRA Docket (OS–305), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Place the Docket Number F–93–TTCF–FFFFF on your comments. The official record for this rulemaking is also located in the RCRA Docket, room 2427, at the above address. It is open from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays. The public must make an appointment to review docket materials by calling (202) 260–9327. A maximum of 100 pages from the docket may be copied at no cost. Additional copies cost $.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424–9346 (toll free) or (703) 412–9810 locally. For information on specific aspects of this rule, contact Rhonda Craig, and for technical information about treatment standards, contact Lisa Jones, Office of Solid Waste (OS–322W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, telephone (703) 308–8434. For information on capacity determinations, contact Bengie Carroll, Office of Solid Waste (OS–321W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, telephone (703) 308–8440.

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I. Background

A. Summary of the Hazardous and Solid Waste Amendments of 1984

The Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA),

enacted on November 8, 1984, allow hazardous wastes to be land disposed only if they satisfy either of two conditions: (1) They are treated, or otherwise satisfy the requirement of RCRA section 3004(m), which provision requires EPA to set levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized; or, (2) they can be land disposed in units satisfying the no-migration standard in sections 3004(d)(1), (e)(1), and (g)(5). Land disposal includes any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave. RCRA section 3004(k).

EPA was required to promulgate land disposal prohibitions and treatment standards under a congressionally-mandated schedule. Treatment standards had to be promulgated by May 8, 1990, for all wastes that were either listed or identified as hazardous at the time of the 1984 amendments to avoid a ban on land disposal of those hazardous wastes, a task EPA completed within the statutory time frame (although certain of those standards were later vacated by the D.C. Circuit, necessitating today's emergency interim final rule). RCRA section 3004 (d), (e), and (g).

The land disposal restrictions are effective upon promulgation. RCRA section 3004(h)(1). However, the Administrator may grant a national capacity variance from the effective date of the prohibition and establish a later effective date (not to exceed two years) based on the earliest date on which adequate alternative treatment, recovery, or disposal capacity which protects human health and the environment will be available. RCRA section 3004(h)(2). The Administrator may also grant a case-by-case extension of the effective date for up to one year, renewable once for up to one additional year, when an applicant successfully makes certain demonstrations. RCRA section 3004(h)(3).

In addition to prohibiting land disposal of hazardous wastes, Congress prohibited storage of any waste which is prohibited from land disposal unless such storage is solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. RCRA section 3004(j). The provision applies, of course, only to storage which is not also defined as land disposal in section 3004(k).

B. Summary of Third Third Standards for Ignitable, Corrosive and Reactive Characteristic Wastes

On May 8, 1990, EPA promulgated regulations addressing the last of five congressionally-mandated prohibitions on land disposal of hazardous wastes for those wastes that were either listed or identified as hazardous at the time of the 1984 amendments (the third one-third of the schedule of restricted hazardous wastes, hereafter referred to as the Third Third). Among other things in the Third Third final rule, the Agency promulgated treatment standards and prohibitions for hazardous wastes that exhibited one or more of the following characteristics: ignitability, corrosivity, reactivity, or EP toxicity (40 CFR 261.21–261.24). The Third Third rule established treatment standards for the characteristic wastes in one of four forms: (1) A concentration level for hazardous constituents equal to, or greater than, the characteristic level; (2) a concentration level for hazardous constituents less than the characteristic level; (3) a specified treatment technology (e.g., for ignitable wastes containing high levels of total organic carbon); and, (4) a treatment standard of "deactivation" which allowed the use of any technology, including dilution, to remove the characteristic property. For ignitable, corrosive, and reactive wastes, consideration was given to the hazardous constituents in the waste only when the Agency had information that such constituents were present (e.g., reactive cyanide wastes); otherwise, only the hazardous property of the characteristic waste had to be addressed.

The Agency also evaluated the applicability of certain provisions of the land disposal restrictions' framework with respect to characteristic wastes, including wastes regulated under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) programs. This was done in an effort to ensure the successful integration of these programs with the LDR regulations, as required by section 1006 of RCRA which specifies that the Administrator shall integrate RCRA for purpose of administration and enforcement and shall avoid duplication to the maximum extent practicable. See generally 55 FR 22653–59 (June 1, 1990). Specifically, the Agency considered the appropriateness of the dilution prohibition for each of the characteristic waste streams, and the applicability of treatment standards expressed as specified methods.

The Agency found, generally, that mixing waste streams to eliminate certain characteristics was appropriate and permissible for corrosive wastewaters, or in some cases, reactive or ignitable wastewaters. Furthermore, EPA stated that the dilution prohibition did not normally apply to characteristic wastewaters that are managed in treatment trains which include surface impoundments where the ultimate discharge is subject to regulation under the pretreatment and National Pollutant Discharge Elimination System (NPDES) programs under sections 307(b) and 402 of the CWA, or in Class I underground injection well systems regulated under the SDWA. In particular, the Agency stated that the treatment requirements and associated dilution rules under the CWA are generally consistent with the dilution rules under RCRA, and therefore decided to regulate these wastes exclusively under the existing CWA provisions. However, the Agency also singled out certain particularly toxic wastewaters or wastewaters not readily amenable to centralized wastewater management to which the dilution prohibition still applies notwithstanding management in CWA systems. 40 CFR 268.3(b).

Similarly, EPA stated that the regulatory program for Class I wells under the SDWA adequately protects drinking water sources. Class I deep wells inject below the lowermost geologic formation containing an underground drinking water source and are subject to federal location, construction, and operation requirements. The Agency stated that application of the dilution prohibition to these wastes would not further minimize threats to human health and the environment, so that it was permissible to inject wastes that were decharacterized by dilution into Class I wells.

C. Summary of the D.C. Circuit's Opinion

On September 25, 1992, the United States Court of Appeals for the District of Columbia Circuit ruled on the various petitions for review filed against the Third Third rule. *Chemical Waste Management, Inc. et al.* v. *EPA*, 976 F. 2d 2. The principal holdings of the case with respect to characteristic wastes, under EPA's initial reading of the opinion, are that: (1) EPA may require treatment under RCRA section 3004(m) to more stringent levels than those at which wastes are identified as hazardous so long as the level defining the waste as hazardous was above the

level at which threats to human health and the environment are minimized, 976 F. 2d at 12–14; (2) section 3004(m) requires that treatment standards address both short-term and long-term potential harms posed by hazardous wastes, and consequently must result in destruction, removal or immobilization of hazardous constituents as well as removal of the characteristic property, *id.* at 16, 17, 23; as a consequence, dilution is permissible as an exclusive method of treatment only for those characteristic wastes that do not contain hazardous constituents "in sufficient concentrations to pose a threat to human health or the environment" (i.e., the minimize threat level in section 3004(m)), *id.* at 16; and, (3) situations where characteristic hazardous wastes are diluted, lose their characteristic(s) and are then managed in centralized wastewater management land disposal units (i.e., subtitle D surface impoundments or Class I injection wells) are legal only if it can be demonstrated that hazardous constituents are reduced, destroyed or immobilized to the same extent as they would be pursuant to otherwise-applicable RCRA treatment standards, *id.* at 7.

As a consequence of these holdings, the court held that the deactivation standard for ignitable and corrosive wastes did not fully comply with RCRA section 3004(m). This was because that standard could be achieved by dilution, and dilution fails to destroy, remove, or immobilize the hazardous constituents that can be present in the wastes. *Id.* The court further held that dilution was ordinarily a permissible means of removing the ICR property of the wastes, but stated that it could be an impermissible means of removing ignitability and reactivity. This was because the court thought the emission of volatile organic constituents (VOCs) might be greater during the process of diluting ignitable wastes than when they are treated by other means, and that the risks of explosion of reactive wastes might be greater when those wastes are treated by dilution to remove the reactivity property. 976 F. 2d at 17, 18.

(It should be noted that the court also addressed several other issues that the Agency is not required to respond to in this interim final rule, either because it denied the petitioner's request for review, or because certain rules were remanded rather than vacated. For instance, the court remanded the lead and chromium treatment standards because EPA appeared to have relied on data that does not support its conclusion, and it denied review of a petition for review of test compliance procedures.)

D. Response to the Court Decision

EPA filed a petition for rehearing with the D.C. Circuit on November 9, 1992. In its petition, EPA requested clarification of whether the provisions of the Third Third rule that allowed dilution of wastes going to CWA/SDWA units were vacated or remanded, suggesting that these provisions were more appropriately remanded. EPA also requested a 90-day stay of the mandate.

In a separate action, industry petitioners filed an unopposed motion seeking a 90-day stay of the mandate. On November 24, the D.C. Circuit issued an order partially granting industry's motion, staying the mandate through January 5, 1993. Then on January 5, industry petitioners filed a petition with the U.S. Supreme Court seeking a writ of certiorari. The government's response opposing grant of that motion was filed on April 8, 1993.

The Court denied EPA's request for rehearing on January 11, 1993, stating, however, that the Third Third treatment standards were vacated only insofar as expressly indicated in the September 25 opinion. On January 19, EPA published a Notice of Data Availability requesting comments and data on options for responding to the court decision (58 FR 4972).

Industry's petition for certiorari continued the stay of mandate issued by the D.C. Circuit pending action by the Supreme Court. On April 26, 1993, the Supreme Court denied certiorari, and the D.C. Circuit's mandate issues on May 10, 1993.

1. Options Prepared for the Notice of Data Availability

As mentioned above, on January 19, 1993, EPA published a Notice of Data Availability to solicit as many comments as possible on all issues in the court opinion (58 FR 4972). The Agency prepared a Supplemental Information Report that was distributed to the public that set out the Agency's options for complying with the court's decision.

The report included options for establishing treatment standards for the underlying hazardous constituents in ignitable, corrosive and reactive (ICR) wastes that would have to be met prior to land disposal (including disposal in UIC wells). Two approaches were set out, along with the Agency's views on possible advantages and disadvantages of each. Under approach one, the Agency discussed the possibility of adopting concentration limits for underlying hazardous constituents. Under approach two, the Agency discussed specifying required treatment technologies. The Agency discussed how these possible approaches might apply to ICR wastes that are not managed in CWA centralized wastewater treatment systems. Furthermore, the applicability of LDR treatment standards to CWA facilities, and possible implementation scenarios under the CWA were also discussed.

Additional issues involving the establishment of treatment standards were also discussed: options for addressing potential volatile organic constituent (VOC) emissions during dilution of ignitable wastes, and potential violent reactions during dilution of reactive wastes were presented.

The Agency discussed options for how to determine the equivalency of CWA treatment systems with treatment under RCRA. The "equivalency" discussion included possible options for addressing air emissions, leaks, and sludges from CWA treatment surface impoundments. Also mentioned were other Agency efforts such as the Hazardous Organic NESHAPs being developed by the Office of Air, and information being gathered by the Office of Solid Waste from existing databases on the management of nonhazardous industrial wastes as possibly being useful for addressing equivalency of CWA treatment impoundments.

The Agency also discussed possible alternative means of compliance with the treatment standards for the underlying hazardous constituents once they were developed. Options included the possible use of risk-based standards being developed for the Hazardous Waste Identification Rule (HWIR) to "cap" LDR treatment standards; meeting treatment standards before land disposal in a treatment surface impoundment; compliance with requirements of RCRA section 3005(j)(11) (i.e., installing double liners, groundwater monitoring, and leachate collection systems and removing sludge not meeting LDR standards annually for further treatment); and, the possibility of performing waste minimization as a means of meeting the requirements of treatability, and possibly capacity, variances.

Miscellaneous issues were also discussed, such as: does the opinion apply when characteristic wastes are treated by means other than dilution? Should *de minimis* losses of characteristic wastes sent to wastewater treatment systems be prohibited? Applicability of the decision to RCRA Subtitle C surface impoundments; and possible revisions to the principle

established in the Third Third rule that a change in treatability group constituted a new point of generation for characteristic wastes.

Preliminary capacity determinations were also presented for comment, as well as the legal basis for possibly granting a national capacity variance. Finally, preliminary regulatory impact screening analyses for surface disposed and underground injected wastes were also presented.

2. Solicitation of Comments on the Supplemental Information Report

The Agency solicited comments on various aspects of the options in the Supplemental Information Report. Approximately 60 public comments were received in response to the Notice of Data Availability. The Agency's response to issues that pertain to today's interim final rule have, in some cases, been included in the preamble discussion; the remainder of the Agency's responses may be found in the Response to Comments Background Document, available in the RCRA Docket. Other issues raised in the public comments that pertain to remanded portions of the court's opinion will be considered when the Agency prepares proposed approaches in future rulemakings.

E. Rules Compelled by the Opinion to be Issued on An Emergency Basis

EPA is issuing this interim final rule on an emergency basis only with respect to those treatment standards that were vacated (as opposed to remanded) by the court. The distinction between vacated and remanded rules is that vacated rules are no longer in effect (once the court's mandate issues), whereas remanded rules remain in force until the Agency acts to replace them. This distinction has considerable significance with respect to LDR treatment standards. If there is no treatment standard for a prohibited waste (for example, as a result of a vacatur), that waste is prohibited from land disposal, because it has not been treated to meet the treatment standard established by EPA, and (presumably) is not being disposed in a no-migration unit. RCRA sections 3004 (d), (e), and (g)(5). A remanded treatment standard, on the other hand, would remain in effect and disposal of prohibited wastes treated pursuant to that standard is legal until the standard is amended.

In its November 9 request for rehearing to the court, EPA specifically requested that the Court clarify if it intended to remand, not vacate, the rules addressing dilution and subsequent land disposal of certain decharacterized wastes being managed in Class I injection wells or in subtitle D surface impoundments whose ultimate discharge is subject to the CWA. The Court indicated in its January 11, 1993 response that the RCRA treatment standards were vacated only insofar as expressly indicated in the September 25 opinion.

In light of this order, the Agency's opinion is that the rules dealing with centralized wastewater management involving land disposal (§§ 268.1(c)(3) and 268.3(b)) were remanded, not vacated. (See 976 F. 2d at 7, 19–26 where these rules are discussed and not expressly vacated.) This means that the only wastes to which today's rule applies are those ignitable and corrosive wastes for which the treatment standard was deactivation (since the deactivation standard for these wastes was vacated) and which are not managed in the types of centralized wastewater management systems covered by the remanded rules cited above. Today's rule would thus apply, for example, to corrosive wastes that are being incinerated.

An issue exists under this interpretation as to whether centralized wastewater management systems receiving decharacterized ignitable or corrosive wastewaters would have to meet the treatment standards for those wastes promulgated in today's rule. The Agency does not read the opinion as requiring this result. In the first place, it seems clear from the structure of the opinion that the court was considering all issues relating to centralized wastewater management as essentially one single issue, see 976 F. 2d at 19–26, and did not vacate the rules affecting those systems.

Second, by not vacating the rules allowing treatment standards to be achieved through dilution where centralized wastewater management is involved, if EPA were to apply the amended ignitable and corrosive treatment standards to these centralized wastewater management situations, facilities could still dilute to meet the standards. Such a result makes no sense as a policy matter, and so does not appear to reflect the court's intent.

Third, the remanded rule relating to Class I injection wells allows injection of decharacterized wastes provided the wastes do not exhibit a characteristic at the point of injection. Consequently, ignitable and corrosive wastes could continue to be decharacterized (by any means) and injected in Class I deep wells without meeting the treatment standards for those wastes (since § 268.1(c)(3) was remanded). Section 268.3(b), on the other hand, is drafted somewhat differently to provide that characteristic wastes that are managed in wastewater treatment systems whose discharge is ultimately subject to the CWA and that involve some type of land disposal can be diluted to meet the treatment standards. Although this language, unlike the parallel provision in 268.1 respecting Class I deep wells, does not expressly allow wastes not exhibiting a characteristic at the point of disposal to be managed in such systems, it would be anomalous to read the opinion as requiring more stringent rules to apply to CWA systems than to UIC systems, since the CWA systems perform treatment and do not (as the court viewed it) involve permanent land disposal. 976 F.2d at 24, 26. In addition, EPA intended that the provisions allowing dilution for characteristic wastes going to CWA systems and Class I deep wells have the same scope. 55 FR at 22656–58. Consequently, they should have the same scope in assessing the affect of the court's vacatur.

Finally, the opinion does not vacate the treatment standards for wastewaters exhibiting the EP characteristic. Consequently, since the rules on dilution were only remanded, such wastes can continue to be diluted and land disposed in CWA systems, or in Class I deepwells. By extension, it makes sense to allow dilution of ignitable and corrosive wastewaters, which, by definition, would contain EP constituents (if at all) in lower concentrations.[1]

The following discusses those types of centralized wastewater management that could be covered by today's rule, and the circumstances under which they are and are not covered.

1. Zero Discharge Facilities

In its Notice of Data Availability, EPA solicited comment on whether facilities that treat wastewater but do not ultimately discharge it to a navigable water or a POTW should be subject to the same standard of equivalent treatment as direct and indirect dischargers (see Supplemental

[1] The Agency also believes that any issues relating to the extent to which the opinion applies to subtitle C impoundments receiving decharacterized ignitable and corrosive wastes do not have to be addressed in today's rule because they arise only with respect to rules that were remanded. EPA solicited comment on the issue of whether subtitle C impoundments receiving decharacterized wastes could be affected by the court's opinion. Supplemental Information, pp. 40–1. The Agency has not resolved these issues. However, the court's opinion does not discuss the issue directly, and it would be anomalous for such facilities to be immediately subject to treatment standards when facilities with subtitle D impoundments are not. Consequently, today's rules do not apply to subtitle C impoundments receiving decharacterized ignitable and corrosive wastes.

Information Report, pp. 38–9). Commenters agreed that the same principles should apply. The Agency also believes that these facilities should be on the same regulatory timetable as direct and indirect dischargers, and consequently that today's treatment standards should not apply to such facilities when they do not apply to direct and indirect dischargers. Based on these comments, and for the reasons set out below, facilities that treat ignitable and corrosive wastes (either in tanks or in land-based units) in the manner described below and then land dispose the wastewaters, for example, by spray irrigation rather than by discharging to a navigable water or a POTW, do not have to meet the treatment standards for ignitable and corrosive wastes adopted today.

The Agency is taking this step in response to commenters who indicated that they treat wastewaters as well as direct or indirect dischargers, but are located in areas where there is no body of water into which to discharge (see, e.g. Comments of Hoechst Celanese). These facilities, in some cases, are subject to federal or state regulatory limitations that are as strict as those that apply to direct and indirect dischargers.

To avoid subjecting zero dischargers that substantially treat their wastewater to regulatory requirements not applicable to similarly-situated direct and indirect dischargers, the emergency rule provides that zero discharge facilities performing treatment equivalent to that performed by facilities subject to CWA limitations and standards are not subject to the emergency rule. This standard of equivalence is not the same as that which the Agency must ultimately address under the opinion regarding the extent of "RCRA-equivalent" treatment that must be performed to allow continued management involving surface impoundments. (Supplemental Information Report, pp. 15–25) Rather, EPA intends that, for purposes of today's rule, facilities that treat ignitable and corrosive wastewaters by the types of treatment that form the technical basis for most of the CWA standards and limitations (as well as the F039 wastewater standards) are not subject to the rule. These types of treatment are biological treatment for organics, reduction of hexavalent chromium, precipitation/sedimentation for metals, alkaline chlorination or ferrous sulfate precipitation of cyanide (to the extent these constituents are present in the untreated influent to wastewater treatment systems), or treatment that the facility can show performs as well or better than these enumerated technologies. The Agency reiterates that these criteria has limited application only to this interim final rule. It is included because the Agency is promulgating this rule under emergency circumstances and this criteria provides a readily ascertainable way of determining who is and is not affected by today's rule. It is not meant to affect in any way what the appropriate CWA effluent limitation guidelines or individual permit limitations based on permit writers' Best Professional Judgement may be.

In determining whether a facility is performing CWA-equivalent treatment, treatment would need to be performed only for those hazardous constituents in the ignitable or corrosive wastes (for purposes of this evaluation). Cf. Supplementary Information Report, p. 37 (treatment of characteristic wastes, before aggregation, is sufficient to comply with treatment standard, notwithstanding that the same constituents may be present in noncharacteristic streams and thus may be present in the aggregated mixture of the treated characteristic wastes and non-characteristic wastes). Consequently, if a zero-discharge facility has metals found at 40 CFR part 261, appendix VIII in ignitable or corrosive wastes, the only type of treatment it would need to be conducting for purposes of this CWA-equivalent treatment showing would be treatment for the metals, even if other waste streams at the facility contain organics. The Agency, at least at this time, does not believe that the opinion requires treatment of those hazardous constituents not contributed at least in part by the prohibited wastes. Consequently, the demonstration should only concern itself with constituents present in the prohibited wastes.

Although the Agency has no information supporting that such facilities exist, today's rule would apply to zero dischargers who are not treating their wastes to this extent. Examples are facilities that have seepage impoundments or evaporation ponds (without concurrent treatment, as described above), or that spray irrigate without CWA-equivalent treatment of the wastewater. These facilities would not be within either the language or the policy of remanded § 268.3(b), and consequently would have to meet the treatment standards for ignitable and corrosive wastes adopted today before the decharacterized wastes are land disposed.

EPA solicits comment on this approach, in particular, if any more precise definition of CWA-equivalent treatment is needed. The Agency's view at this time, however, is that attempting to quantify this standard beyond specifying that zero discharge facilities utilize the types of treatment that form the basis of the CWA standards and limitations would unnecessarily complicate an already complex set of regulations to little ultimate benefit.

2. Underground Injection Wells Other Than Class I

As discussed above, EPA reads the court's opinion as remanding, rather than vacating, rules pertaining to injection of decharacterized ignitable and corrosive wastes into Class I wells. However, because § 268.1(c)(3) only applies to Class I injection (see the reference in that regulation to 40 CFR 144.6(a)), the treatment standards for ignitable and corrosive wastes promulgated today apply when those wastes are injected into other than Class I wells even if the wastes are decharacterized first. Today's requirements thus may apply to some injection practices, in particular, those involving a limited number of Class V injection wells. These typically are wells injecting nonhazardous wastes above or into underground sources of drinking water. Class II wells, it has been suggested, could also be subject to today's rule if they were to inject decharacterized ignitable and corrosive wastes that are not drilling fluids, produced waters, and other wastes uniquely associated with the exploration, development, or production of crude oil, natural gas or geothermal energy, materials that are not hazardous wastes even at their point of generation (see § 261.4(b)(5) and 268.1(b)). (See discussion of this point in the next preamble section.)

The Agency notes, however, that if the ignitable and corrosive wastes injected into non-Class I wells were to be treated by CWA-equivalent means before injection, today's rule would not apply. Such facilities would be a type of zero discharge facility and, since they are treating by the same means as facilities discharging directly or indirectly, would not be immediately subject to today's rule, as explained above.

F. Identification of Affected Facilities

Very limited data are available upon which to determine the number and types of facilities that will be impacted by this interim final rule. Estimates have been made, however, based primarily on information available from the states and the Biennial Reporting Survey (BRS) database for 1989. The problem is compounded by the fact that the facilities impacted may not all be

subject to any federal requirement through which information could be gathered.

1. Underground Injection Wells

The Agency has limited and conflicting information about how many Class V wells may be impacted, as well as the volumes and types of formerly characteristic waste injected in these wells, making it difficult to fully assess the need for relief, such as national capacity variances for these facilities. An estimate of the number of facilities that could potentially be impacted by this interim final rule is 100. The Agency believes that many of the Class V wells may fall under the Small Quantity Generator (SQG) exclusion and are conditionally exempt from the RCRA requirements, including the LDRs (see 268.1(e)(1)). From information gathered, and comments received on the Notice of Data Availability, EPA further believes that a number of the deep Class V wells treat their wastes prior to injection, and thus would not be affected by this rule if such a practice would qualify them as a CWA-equivalent facility. As an interim measure, however, the Agency is granting a national capacity variance extending the effective date of today's rule for nine months from the date of signature for decharacterized ignitable and corrosive wastes injected into Class V wells that do not engage in CWA-equivalent treatment before injection, in order for the facility to determine if it is impacted, to develop appropriate on-site modifications for alternative treatment, and to obtain off-site treatment or submit petitions for case-by-case capacity variances (see section IV of this preamble). The Agency also solicits additional information on the number of Class V wells, the types of wastes, and the volumes of such wastes injected. The Agency believes that it would be prudent for these Class V, and any other non-Class I, wells to apply for case-by-case extensions of the effective date during this nine-month period.

A number of companies extract elemental bromine from deep geologic formations, recover the bromine through ion exchange processes that change the pH of the brine to less than two, neutralize the pH to that of the original brine and reinject the spent solution into the original geologic formation. Because the reinjection process is classified as a Class V injection well, and because the brine's pH is changed to less than two during the process of extracting bromine, these companies raised the issue in their comments as to whether contemplated rules could affect these practices.

As described in the comments, these practices involve beneficiation and possibly mineral processing operations. (The Agency had insufficient information to determine whether the operations were totally beneficiation or also included some mineral processing.) In either case, the solution injected into the Class V wells would not be affected by today's rule. In particular, if these wastes were generated only from beneficiation operations, they would not be hazardous at the point of generation and thus, not affected by today's rule (see § 268.1(b)). If some of the wastes are generated from mineral processing operations, they still would not be affected by today's rule since these wastes (if hazardous) were not identified as hazardous until after 1984, and thus were not included within the scope of the Third Third rule (55 FR at 22667, June 1, 1990). Rather, treatment standards for these wastes—characteristic mineral processing wastes—will be promulgated in the future. The Agency is also aware of fundamental arguments as to whether brine reinjected in this manner is a solid waste. The Agency is not addressing this issue at this time.

After an examination and evaluation of the comments received on the Notice of Data Availability, the Agency believes that Class II UIC wells (see complete definition of Class II wells under 40 CFR 144.6(b)) injecting oil and gas exploration and production wastes are not newly impacted by this rule. While one commenter indicated that this rule would impact their injection of decharacterized ignitable and corrosive wastes into a Class II UIC well, the Agency disagrees. First, injection into Class II disposal wells of decharacterized wastes not covered by the exemption in § 261.4(b)(5) would violate existing UIC regulations. See § 146.5(b)(1) specifying which wastes may be injected into Class II disposal wells. Because the conduct is already illegal, EPA does not view today's rule as having any further regulatory impact on that conduct.

Second, injection of such wastes into Class II enhanced recovery wells might also be illegal. To be permissible, the injected materials must qualify as an "enhanced recovery fluid." To do so, the fluid "must function primarily to enhance recovery of oil and gas and must be recognized by the Agency as being appropriate for enhanced recovery * * * In this context, 'primarily functions' means that the main reason for injecting the materials is to enhance recovery of oil and gas rather than to serve as a means for disposing of those materials." See Report to Congress; Management of Wastes from the Exploration, Development, and Production of Crude Oil, Natural Gas, and Geothermal Energy; Volume 1 of 3; Oil and Gas, EPA/530–SW–88–003, December, 1987, p. II–18. The Agency gave produced waters as one example of materials appropriate for enhanced recovery. *Id.* In determining what fluids are appropriate, the Agency is of the view that fluids that are hazardous wastes at the point of injection would never meet the test. Decharacterized fluids might also fail to satisfy the test depending on their composition as well as the motivation for the injection. Since the commenter provided none of this information (or even indicated if the comment referred to injection in disposal or enhanced recovery wells), the Agency is unable to assess further whether today's rule might have any effect on these operations.

2. Combustion and Stabilization

Additionally, some of the wastes covered by this rule have been, and will continue to be, managed in combustion and stabilization devices. Upon promulgation of this rule, such facilities must treat the wastes to remove any hazardous characteristic and meet the treatment standards for any underlying hazardous constituents, prior to land disposal. EPA estimates that the number of such facilities that could potentially be impacted by this rule is approximately 340. Submittal of additional data and information characterizing the universe of facilities affected by this rule is encouraged. See section IV of this preamble for more information on these issues.

G. Future Response to Issues Remanded by the Court Decision

The Agency plans to address issues which have been remanded by the court in future rulemakings. Many of these remanded issues are significantly more complex than those dealt with in this interim final rule regarding the vacated deactivation treatment standards. In addition, the universe of facilities affected by the remanded portions of the Third Third rule is much broader than that covered today, as it will include (among other things) treatment systems regulated under the CWA, Class I injection wells regulated under the SDWA, plus zero discharge facilities that are engaged in treatment that is equivalent to CWA dischargers. Furthermore, the volumes of wastes affected by the remanded rules are much greater than those at issue in this regulation (one estimate is that Class I injection wells dispose more than 6

billion gallons of hazardous waste per year).

It is important that facilities that will be impacted in the future by the remanded portions of the court's decision begin immediately to plan and take actions that will help the facility comply with the new treatment standards for ignitable, corrosive, and reactive wastes consistent with the court's decision. Options for addressing these issues were presented in the Supplemental Information Report prepared for the January 19 Notice of Data Availability. The court vacated the deactivation treatment standard for ignitable and corrosive wastes, instructing EPA to develop treatment standards for the hazardous constituents in ignitable and corrosive (and by natural extension of the logic, in reactive) wastes.

Also, it is clear that the court intends for the Agency to address the special dilution provisions for CWA and SDWA Class I injection wells, specifying that dilution alone is not adequate treatment if an ignitable, corrosive, (and, presumably, reactive) waste contains underlying hazardous constituents. This will potentially greatly impact the injection of these wastes in deep wells, since there are few treatment systems currently in place upstream of the injection well that could treat underlying hazardous constituents, if present. Such facilities seem to have few options for dealing with the court's decision: undertaking substantial waste minimization efforts; installing on-site treatment systems; arranging for off-site transport and treatment; or, applying for, and being granted, a no-migration petition that would allow continued land disposal of untreated wastes. Although commenters suggest that EPA can promulgate a rule that does not require treatment of underlying hazardous constituents, based on a generic finding that injection is a protective practice, the Agency's tentative view is that this is not a viable option (see Supplemental Information Report, pp. 25–7). However, the Agency seeks additional comments on the technical and legal issues raised in this notice.

Probably the biggest issue for CWA wastewater treatment facilities will be that of demonstrating the equivalency of CWA treatment systems with RCRA LDR treatment. Associated issues such as whether the opinion authorizes controls on leakage or volatilization from treatment surface impoundments, or whether sludges generated in impoundments must be treated, may be especially difficult to resolve, even though the court's opinion stated that RCRA LDR requirements should make some accommodations to allow continued treatment of these wastes in CWA treatment systems. EPA will consider the extensive comments on the equivalency demonstration and associated issues as the Agency develops an approach for future proposed rules.

II. Overview of the Interim Final Rule

The Agency is promulgating revised treatment standards for certain ignitable and corrosive wastes that are not managed: (1) In centralized wastewater treatment systems subject to the CWA or in Class I underground injection wells subject to the SDWA Underground Injection Control (UIC) program; or, (2) by a zero discharger with a wastewater treatment system equivalent to that utilized by CWA dischargers prior to land disposal. The treatment standards promulgated in this interim rule retain the requirement of deactivation to remove the hazardous characteristic (see DEACT in Table 1, 40 CFR 268.42); however, this rule also sets numerical treatment standards for the underlying hazardous constituents that may be present in the wastes. EPA is also promulgating alternative treatment standards of incineration, fuel substitution, and recovery of organics for ignitable wastes.

In addition, changes have been made in the format of 40 CFR 268.42, Table 2, that simplify the way the treatment standards appear, and thus simplify compliance monitoring. The various D001 and D002 subcategories that have appeared in Table 2 since promulgation of the Third Third rule are combined, so that now there are only three D001 subcategories and two D002 subcategories. In particular, for D001 wastes, EPA has broken the subcategories into: The 40 CFR 261.21(a)(1) High TOC Ignitable Liquids Subcategory (greater than 10% total organic carbon)—the court decision had no impact on this treatability group; D001 wastes that include all descriptions at 40 CFR 261.21 except for the § 261.21(a)(1) High TOC Ignitable Liquids Subcategory managed in non-CWA/non-CWA-equivalent/non-Class I SDWA systems; and, D001 wastes that include all descriptions at 40 CFR 261.21 except for the § 261.21(a)(1) High TOC Ignitable Liquids Subcategory managed in managed in CWA/CWA-equivalent/Class I SDWA systems.

Furthermore, new precautionary measures are being established in the LDR regulations in 40 CFR 268 to prevent emissions of volatile organic constituents or violent reactions during the process of diluting ignitable and reactive wastes. All are described in detail in subsequent sections of this preamble.

Finally, the Agency is granting a three-month national capacity variance that extends the effective date until August 9, 1993, for persons affected by this interim final rule, and an additional extension for those persons who manage ignitable or corrosive wastes and dispose of them in Class V UIC wells, which facilities are not performing CWA-equivalent treatment before injection, that extends the effective date until February 10, 1994. These extensions are necessary because the Agency realizes that even where sufficient treatment capacity exists, it may not be immediately available. See section IV of this preamble for additional information on these capacity extensions.

III. Treatment Standards for Ignitable and Corrosive Wastes

A. Overview of Treatment Standards for Ignitable and Corrosive Wastes Not Disposed in CWA or SDWA Facilities or That Do Not Engage in CWA-Equivalent Treatment Prior to Land Disposal

The Agency is promulgating revised treatment standards for certain ignitable (D001) and corrosive (D002) wastes. (See list of applicable waste streams below.) The revised standards retain the requirement to remove the hazardous characteristic (i.e., the deactivation treatment standard (DEACT) remains applicable); it also requires that the waste be treated so that each underlying hazardous constituent in the waste meets the same concentration-based treatment standard promulgated for that constituent in the treatment standards for F039 wastewaters and nonwastewaters. (F039 is the hazardous waste code for liquids that have percolated through land disposed wastes (i.e., leachate) resulting from the disposal of more than one listed hazardous waste. See 40 CFR 261.31.)

By means of incorporating the F039 treatment standards into the treatment standards for certain ignitable (D001) and corrosive (D002) wastes, this rule allows the Agency to address any and all of those constituents regulated elsewhere in the Land Disposal Restrictions program with concentration-based treatment standards. Table III–1 presents these

concentrations for the reader's convenience.

D001—Ignitable Liquids based on 261.21(a)(1)—Wastewaters.
D001—Ignitable Liquids based on 261.21(a)(1)—Low TOC Ignitable Liquids Subcategory—Less than 10% total organic carbon (Nonwastewaters).
D001—Ignitable Reactives based on 261.21(a)(2) (Nonwastewaters).
D001—Ignitable Compressed Gases based on 261.21(a)(3) (Nonwastewaters).
D001—Oxidizers based on 261.21(a)(4) (Wastewaters and Nonwastewaters).
D002—Acid Subcategory based on 261.22(a)(1) with Ph less than or equal to 2 (Wastewaters and Nonwastewaters).
D002—Alkaline Subcategory based on 261.22(a)(1) with Ph greater than or equal to 12.5 (Wastewaters and Nonwastewaters).
D002—Other Corrosives based on 261.22(a)(2) (Wastewaters and Nonwastewaters).

B. The Basis of the Numerical Treatment Standards

While the Court agreed that deactivation by any means to remove the characteristic property normally was appropriate treatment, the Court held that because hazardous constituents could be present in these wastes at concentrations of concern, the deactivation standard alone did not fully comply with RCRA section 3004(m). Consequently, EPA is now promulgating a treatment standard that retains the requirement of deactivation to remove the hazardous characteristic (i.e., DEACT) and that also sets numerical treatment standards for the hazardous constituents that may be present in D001 and D002 wastes. The numerical treatment standards for organics are established based on whether the residues are wastewaters (with total limits expressed in mg/L) or nonwastewaters (with total limits expressed in mg/Kg). The numerical treatment standards for metals are established based on whether the residues are wastewaters (with total limits expressed in mg/L) or nonwastewaters (with TCLP limits expressed in mg/L). Constituent-specific concentration limits allow a certain degree of freedom in selecting the most effective, practical and economical means of achieving compliance through treatment and/or waste minimization.

The Agency has already promulgated numerical treatment standards for organics that EPA believes are achievable for most RCRA hazardous wastes. The Third Third final rule, along with revisions promulgated on August 18, 1992 (57 FR 37203–37206), established numerical treatment standards for organics that were essentially applied universally to most RCRA waste codes. The treatment standards promulgated in today's rule for D001 and D002 wastes are based on a transfer of these same treatment data and are represented by the existing standards for F039. As such, the new standards for D001 and D002 wastes are essentially a compilation of all earlier treatment standards and include virtually every RCRA hazardous constituent that can be routinely analyzed by existing analytical methods, (i.e, a set of approximately 200 constituents).[2] Table III–1 at the end of this section tabulates these wastewater and nonwastewater numerical standards.

EPA evaluated treatability data for nonwastewaters and wastewaters that are currently available for each hazardous constituent. The resulting set of treatment standards reflect EPA's preference for data from full-scale operations over data from pilot- or bench-scale units, and for processes treating high concentration, difficult-to-treat wastes. The Final BDAT Background Document for U and P Wastes and Multisource Leachate, Volumes A and C, explain on a constituent-by-constituent basis how each wastewater and nonwastewater standard, respectively, was calculated.

EPA developed the wastewater treatment standards using constituent-specific data from treatment of both RCRA and non-RCRA wastewaters. These performance data were from three major sources: (1) Industrial waste treatment data generated by the Office of Water in the Effluent Guidelines development effort; (2) data from EPA's Office of Research and Development Wastewater Treatment Database, a compilation of treatability research results reported in the technical literature; and, (3) industry-generated data submitted to EPA for the purpose of providing data for the Third Third rule. Activated sludge and other forms of biological treatment were the technologies most frequently used as the basis of the treatment standards for organic constituents. Granulated and powdered activated carbon, steam and air stripping, and wet-air and chemical oxidation were also utilized to establish standards for certain organics. Standards for metals were generally based on lime precipitation followed by sedimentation and filtration.

[2] While the Agency is establishing treatment standards for approximately 200 hazardous constituents, as discussed later in this preamble, compliance with the treatment standards will be met for those hazardous constituents reasonably expected to be present in the ignitable and/or corrosive waste.

EPA developed the nonwastewater treatment standards using constituent-specific data from treatment of primarily RCRA wastes. Most data were from the analysis of ash residues from the incineration of 14 different waste types.

C. Alternative Standards for Ignitable Wastes

For D001 wastes, EPA is also promulgating alternative standards of incineration (INCIN), fuel substitution (FSUBS) and recovery of organics (RORGS). EPA previously promulgated these same standards as BDAT for D001 nonwastewaters in the High TOC Ignitable Liquids Subcategory. Therefore, this is simply an extension of an existing provision for these methods to serve as standards for these wastes and does not reflect any change in EPA's preference for establishing constituent-specific concentration levels rather than treatment methods as the LDR treatment standards. Since low TOC nonwastewaters and the D001 wastewaters would necessarily contain lower concentrations of organics than the D001 nonwastewaters in the high TOC Subcategory, treatment methods based on high temperature thermal destruction (i.e., INCIN and FSUBS) would be expected to achieve similar performance for the hazardous organic constituents present in these other D001 wastes. Also, while the recovery of organics from D001 wastewaters that necessarily contain lower concentrations of organics may be technically more difficult and somewhat less economically desirable than recovery from D001 wastes with higher concentrations of organics, the Agency does not want to discourage on-going environmentally sound recovery practices such as steam stripping, oil-water separation, and distillation that are currently being performed. Additionally, all of these specified methods will remove the D001 characteristic of ignitability.

Because the emissions from thermal technologies are regulated under 40 CFR part 264, subpart O, or 40 CFR part 266, subpart H, and the Agency wants to encourage environmentally sound resource conservation, the Agency finds INCIN, RORGS and FSUBS to be acceptable interim alternatives to the numerical treatment standards, notwithstanding the Agency's preference for numerical treatment standards. Therefore INCIN, RORGS and FSUBS are being promulgated in today's rule as an alternative to compliance with the DEACT plus numerical standards until the Agency can complete a more thorough investigation on the need to apply the numerical

standards to the residues. The treater or generator has, for the interim, the option of choosing either regulatory alternative.

There are advantages to either means of compliance. Using the specified methods reduces the need for costly compliance monitoring. Using the numerical standards (along with deactivation of the characteristic) allows more freedom in selecting treatment technologies. As a general matter, the Agency heard in the LDR Evaluation Project Roundtable meeting[3] held January 12–14, 1993, there is a need for more efficient and meaningful monitoring to demonstrate compliance with the numerical treatment standards. EPA is assessing broad-based changes to the LDR monitoring requirements and intends to address this issue in upcoming notices of proposed rulemaking.

D. Alternatives Discussed in the Supplemental Information Report

EPA considered mandating the use of particular treatment technologies (such as those identified in appendix VI to part 268) as a means of regulating the hazardous constituents for all ignitable, corrosive, and reactive (ICR) wastes. This approach appears unnecessarily complicated and the Agency concluded it would lead to unnecessary and potentially burdensome controls and governmental review. In many cases, specifying treatment methods would require establishing surrogate or indicator parameters for compliance monitoring to ensure treatment of the hazardous constituents. Then, all the generators and treaters would be required to identify and verify that the surrogate parameters were indeed indicators of treatment for the hazardous constituents present.

In addition, for wastes containing both metal and organic constituents, specifying single types of treatment does not necessarily result in treatment of all of the constituents that are present. While EPA could have designated a treatment train, i.e., a specified sequence of treatment processes, as a method of treatment, situations could arise where wastes containing only a single type of hazardous constituent would, then, be overregulated requiring unnecessary and costly treatment.

EPA also considered specifying the methods that were considered BDAT during the development of the treatment standards for each individual hazardous constituent. However, the above-mentioned problems with specifying methods remained and new ones appeared; for example: specific on-site technical and engineering decisions, including the possibility of Agency review and approval on the proper sequencing of treatment units would have been necessary; additional sequencing decisions dependent upon the types and concentrations of hazardous constituents present would have to have been made; and whenever new constituents or wastes were introduced, the sequence decisions would have to be reviewed and reapproved.

As such, EPA believes that constituent-specific numerical treatment standards ensure treatment of the hazardous constituents more efficiently (on a regulatory basis) than the approach of mandating the use of specific technologies. Most of the commenters agreed. Although the alternative standards, FSUBS, INCIN and RORGS are appropriate as interim standards pending EPA's subsequent development of treatment standards reflecting a more thorough evaluation of these waste streams, they are a special case reflecting the need to respond promptly to the court by instituting adequate treatment standards for the hazardous constituents in these wastes. Additional reasons supporting the FSUBS, INCIN and RORGS options are discussed in section C immediately preceding this section.

EPA continues to prefer constituent-specific numerical treatment standards whenever possible. Setting numerical standards also provides for the encouragement of innovative technologies and practices to achieve these limits. This also encourages the use of source reduction techniques to reduce the overall loading of hazardous constituents into these wastes as alternative and cost-effective means of compliance.

TABLE III–1.—REGULATED CONSTITUENTS AND STANDARDS

Constituent	Wastewater (mg/l)	Nonwastewater (mg/kg)
Acetone	0.28	160
Acenaphthalene	0.059	3.4
Acenaphthene	0.059	4.0
Acetonitrile	0.17	NA
Acetophenone	0.010	9.7
2–Acetylaminofluorene	0.059	140
Acrolein	0.29	NA
Acrylonitrile	0.24	84
Aldrin	0.021	0.066
4–Aminobiphenyl	0.13	NA
Aniline	0.810	14
Anthracene	0.059	4.0
Aramite	0.36	NA
Aroclor 1016	0.013	0.92
Aroclor 1221	0.014	0.92
Aroclor 1232	0.013	0.92
Aroclor 1242	0.017	0.92
Aroclor 1248	0.013	0.92
Aroclor 1254	0.014	1.8
Aroclor 1260	0.014	1.8
alpha-BHC	0.00014	0.066
beta-BHC	0.00014	0.066

[3] The LDR Evaluation Project Roundtable meeting was held with EPA regional and State regulators, an environmental group, the waste management industry, and the regulated community. The main intention of the meeting was to provide these persons an opportunity to comment on various aspects of the LDR program, and to offer suggestions on how the program could be improved. A summary of the Roundtable proceedings is available in the RCRA Docket, number F–92–CD2F–SO144.

TABLE III–1.—REGULATED CONSTITUENTS AND STANDARDS—Continued

Constituent	Wastewater (mg/l)	Nonwastewater (mg/kg)
delta-BHC	0.023	0.066
gamma-BHC	0.0017	0.066
Benzene	0.140	10
Benzo (a) anthracene	0.059	8.2
Benzo (b) fluoranthene	0.055	3.4
Benzo (k) fluoranthene	0.059	3.4
Benzo (g,h,i) perylene	0.0055	1.5
Benzo (a) pyrene	0.061	8.2
Bromodichloromethane	0.35	15
Bromoform	0.63	15
Bromomethane (methyl bromide)	0.11	15
4–Bromophenyl phenyl ether	0.055	15
n-Butanol (n-Butyl alcohol)	5.6	2.6
Butyl benzyl phthalate	0.017	7.9
2-sec-Butyl-4,6-dinitrophenol	0.066	2.5
Carbon tetrachloride	0.057	5.6
Carbon disulfide	0.014	NA
Chlordane	0.0033	0.13
p-Chloroaniline	0.46	16
Chlorobenzene	0.057	5.7
Chlorobenzilate	0.10	NA
2-chloro-1,3-butadiene	0.057	NA
Chlorodibromomethane	0.057	15
Chloroethane	0.27	6.0
bis-(2-Chloroethoxy) methane	0.036	7.2
bis-(2-Chloroethyl) ether	0.033	7.2
Chloroform	0.046	5.6
bis-(2-Chloroisopropyl) ether	0.055	7.2
p-Chloro-m-cresol	0.018	14
Chloromethane (methyl chloride)	0.19	33
2-Chloronaphthalene	0.055	5.6
2-Chlorophenol	0.044	5.7
3-Chloropropene	0.036	29
Chrysene	0.059	8.2
o-Cresol	0.11	5.6
Cresol (m- and p- isomers)	0.77	3.2
Cyclohexanone	0.36	NA
1,2-Dibromo-3-Chloropropane	0.11	15
1,2-Dibromoethane (Ethylene dibromide)	0.028	15
Dibromomethane	0.11	15
2,4-Dichlorophenoxyacetic acid (2,4-D)	0.72	10
o,p-DDD	0.023	0.087
p,p-DDD	0.023	0.087
o,p-DDE	0.031	0.087
p,p-DDE	0.031	0.087
o,p-DDT	0.0039	0.087
p,p-DDT	0.0039	0.087
Dibenzo(a,h) anthracene	0.055	8.2
Dibenzo(a,e)pyrene	0.061	NA
m-Dichlorobenzene	0.036	6.2
o-Dichlorobenzene	0.088	6.2
p-Dichlorobenzene	0.090	6.2
Dichlorodifluoromethane	0.23	7.2
1,1-Dichloroethane	0.059	7.2
1,2-Dichloroethane	0.21	7.2
1,1-Dichloroethylene	0.025	33
trans-1,2-Dichloroethylene	0.054	33
2,4-Dichlorophenol	0.044	14
2,6-Dichlorophenol	0.044	14
1,2-Dichloropropane	0.85	18
cis-1,3-Dichloropropene	0.036	18
trans-1,3-Dichloropropene	0.036	18
Dieldrin	0.017	0.13
Diethyl phthalate	0.20	28
2,4-Dimethyl phenol	0.036	14
Dimethyl phthalate	0.047	28
Di-n-butyl phthalate	0.057	28
1,4-Dinitrobenzene	0.32	2.3
4,6-Dinitrocresol	0.28	160
2,4-Dinitrophenol	0.12	160
2,4-Dinitrotoluene	0.32	140
2,6-Dinitrotoluene	0.55	28

TABLE III–1.—REGULATED CONSTITUENTS AND STANDARDS—Continued

Constituent	Wastewater (mg/l)	Nonwastewater (mg/kg)
Di-n-octyl phthalate	0.017	28
Di-n-propylnitrosoamine	0.40	14
Diphenyl anine	0.52	NA
1,2-Diphenyl hydrazine	0.087	NA
Diphenylnitrosanine	0.40	NA
1,4-Dioxane	0.12	170
Disulfoton	0.017	6.2
Endosulfan I	0.023	0.066
Endosulfan II	0.029	0.13
Endosulfan sulfate	0.029	0.13
Endrin	0.0028	0.13
Endrin Aldehyde	0.025	0.13
Ethyl acetate	0.34	33
Ethyl benzene	0.057	6.0
Ethyl cyanide	0.24	360
Ethyl ether	0.12	160
bis-(2-Ethylhexyl) phthalate	0.28	28
Ethyl methacrylate	0.14	160
Ethylene oxide	0.12	NA
Famphur	0.017	15
Fluoranthene	0.068	8.2
Fluorene	0.059	4.0
Fluorotrichloromethane	0.020	33
Heptachlor	0.0012	0.066
Heptachlor epoxide	0.016	0.066
Hexachlorobenzene	0.055	37
Hexachlorobutadiene	0.055	28
Hexachlorocyclopentadiene	0.057	3.6
Hexachlorodibenzo-furans	0.000063	0.001
Hexachlorodibenzo-p-dioxins	0.000063	0.001
Hexachloroethane	0.055	28
Hexachloropropene	0.035	28
Indeno (1,2,3-c,d) pyrene	0.0055	8.2
Iodomethane	0.19	65
Isobutanol	5.6	170
Isodrin	0.021	0.066
Isosafrole	0.081	2.6
Kepone	0.0011	0.13
Methacrylonitrile	0.24	84
Methanol	5.6	NA
Methapyrilene	0.081	1.5
Methoxychlor	0.25	0.18
3-Methylcholanthrene	0.0055	15
4,4–Methylene-Bis-(2-chloroaniline)	0.50	30
Methylene chloride	0.089	33
Methyl ethyl ketone	0.28	36
Methyl isobutyl ketone	0.14	33
Methyl methacrylate	0.14	160
Methyl methansulfonate	0.018	NA
Methyl parathion	0.014	4.6
Naphthlalene	0.059	3.1
2-Naphthylamine	0.52	NA
p-Nitroaniline	0.028	28
Nitrobenzene	0.068	14
5-Nitro-o-toluidine	0.32	28
4-Nitrophenol	0.12	29
N-Nitrosodiethylamine	0.40	28
N-Nitrosodimethylamine	0.40	NA
N-Nitroso-di-n-butylamine	0.040	17
N-Nitrosomethylethylamine	0.040	2.3
N-Nitrosomorpholine	0.040	2.3
N-Nitrosopiperidine	0.013	35
N-Nitrosopyrrolidine	0.013	35
Parathion	0.014	4.6
Pentachlorobenzene	0.055	37
Pentachlorodibenzo-furans	0.000063	0.001
Pentachlorodibenzo-p-dioxins	0.000063	0.001
Pentachloronitrobenzene	0.055	4.8
Pentachlorophenol	0.089	7.4
Phenacetin	0.081	16
Phenanthrene	0.059	3.1
Phenol	0.039	6.2

TABLE III–1.—REGULATED CONSTITUENTS AND STANDARDS—Continued

Constituent	Wastewater (mg/l)	Nonwastewater (mg/kg)
Phorate	0.021	4.6
Phthalic anydride	0.059	NA
Pronamide	0.093	1.5
Pyrene	0.067	8.2
Pyridine	0.014	16
Safrole	0.081	22
Silvex (2,4,5-TP)	0.72	7.9
2,4,5-T	0.72	7.9
1,2,4,5-Tetrachlorobenzene	0.055	19
Tetrachlorodibenzo-furans	0.000063	0.001
Tetrachlorodibenzo-p-dioxins	0.000063	0.001
1,1,1,2-Tetrachloroethane	0.057	42
1,1,2,2-Tetrachloroethane	0.057	42
Tetrachloroethylene	0.056	5.6
2,3,4,6-Tetrachlorophenol	0.030	37
Toluene	0.080	28
Toxaphene	0.0095	1.3
1,2,4-Trichlorobenzene	0.055	19
1,1,1-Trichloroethane	0.054	5.6
1,1,2-Trichloroethane	0.054	5.6
Trichloroethylene	0.054	5.6
2,4,5-Trichlorophenol	0.18	37
2,4,6-Trichlorophenol	0.035	37
1,2,3-Trichloropropane	0.85	28
1,1,2-Trichloro-1,2,2-trifluoroethane	0.057	28
Tris(2,3,-dibromopropyl) phosphate	0.11	NA
Vinyl chloride	0.27	33
Xylene(s)	0.32	28
Cyanides (Total)	1.2	1.8
Cyanides (Amenable)	0.86	NA
Fluoride	35	NA
Sulfide	14	NA
Antimony	1.9	[1] 0.23
Arsenic	1.4	[1] 5.0
Barium	1.2	[1] 52
Beryllium	0.82	NA
Cadmium	0.20	[1] 0.066
Chromium(Total)	0.37	[1] 5.2
Copper	1.3	NA
Lead	0.28	[1] 0.51
Mercury	0.15	[1] 0.025
Nickel	0.55	[1] 0.32
Selenium	0.82	[1] 5.7
Silver	0.29	[1] 0.072
Thallium	1.4	NA
Vanadium	0.042	NA
Zinc	1.0	NA

[1] These concentrations are expressed in mg/l and are measured through an analysis of TCLP extract; all others measured through a total waste analysis.

E. Changes in Treatability Group Are Not a New Point of Generation for Purposes of Today's Rule

Treatment of a wastewater often generates a nonwastewater sludge as well as a treated wastewater. Similarly, incineration of a wastewater can generate a nonwastewater (ash) as well as a wastewater (scrubber water) residue. The issue under discussion here is whether these residues that are different treatability groups require further treatment. The Agency has approached this issue differently for listed and characteristic wastes. Under the "derived-from" rule, residues generated from the treatment of listed wastes are subsequently managed as the listed waste; thus treatment must continue until the LDR treatment standards are achieved as measured in the treatment residue.

No derived-from rule applies to characteristic wastes, however. In the Third Third final rule, EPA stated that for characteristic wastes, each change of treatability group in a treatment train marked a new point of generation for determining if a characteristic waste was prohibited from land disposal (55 FR 22661–62). Thus, if a characteristic wastewater were treated and generated a sludge (a nonwastewater) that did not exhibit a characteristic, the sludge would not be subject to any prohibition.

This issue was discussed in the Supplemental Information Report prepared for the Notice of Data Availability published on January 19, 1993 (see Supplemental Information Report, pp. 41–2). It was explained that this principle made sense in the context of the Third Third rule where the treatment standard for most characteristic wastes was deactivation. Now that the court has directed EPA to set standards for the underlying hazardous constituents in wastes that are deactivated, the Agency is reexamining this principle. EPA solicited comment in the Supplemental Information Report on how much force the change of treatability group

principle retains after the court's opinion.

Several commenters addressed this issue by saying that EPA should reaffirm its prior pronouncements on the rules governing changes in treatability groups. Some suggested that if changes were necessary, they would be better made in the context of changes in the dilution provisions of 40 CFR 268.3, when the remanded portions of the court opinion are considered in the future.

On the other hand, other commenters argued that the only way to be consistent with the court's direction to minimize threats to human health and the environment from hazardous constituents is to apply BDAT standards to treatment residues. They said that such an approach would remove subjectivity and questions about compliance with the LDR treatment standards.

For wastes addressed in this interim final rule and treated in combustion and other devices, the Agency is adopting an approach where the LDR treatment standards attach at the point of generation of the original ignitable or corrosive waste. Residues that derive from the treatment of the original ignitable or corrosive waste would be subject to either the wastewater or nonwastewater F039 treatment standards, based on the physical form of the residue. (There is no requirement, however, to measure residues for D001 waste when a method of treatment has been established as an alternative standard and that method has been used.)

The Agency is taking this approach in today's rule in part because of the exigent need to issue an emergency rule, and the consequent lack of time to try and develop an alternative. In addition, EPA expects that combustion processes will be the principal type of technology utilized to comply with the wastes affected by today's rule, and the principal treatment residue left from combustion treatment is an ash (a nonwastewater), leaving that ash as the only logical thing to test to determine that the treatment standards have been satisfied. To the extent that an ignitable or corrosive wastewater is being disposed in a land disposal unit that is not part of a system regulated under the CWA, a zero discharger that is not treating the wastewater by CWA-equivalent treatment, or injecting in other than a Class I underground injection well system, this also should not be an issue since the treatment standards, including those for the underlying hazardous constituents, must be met before the wastewater is land disposed.

EPA emphasizes that it is making no decision, and establishing no precedent, on the issue of whether nonwastewater residues from wastewater treatment, such as wastewater treatment sludges, require further treatment when such nonwastewater residues are not hazardous waste when they are generated (see Supplemental Information Report, pp. 23–5). As a legal matter, the court did not directly decide the issue, and the Agency's rules established in the Third Third rule were not challenged. In addition, the effectiveness of a wastewater treatment system is most appropriately determined by monitoring the effluent wastewater, unlike the situation with combustion technology where treatment of a wastewater or nonwastewater is most appropriately measured by testing an ash (a nonwastewater).

F. Minimize Threat Levels

The treatment standards adopted today are based on the performance of available treatment technologies. This approach to establishing treatment standards was upheld in *Hazardous Waste Treatment Council* v. *EPA*, 886 F. 2d 355, 361–62 (D.C. Cir. 1989), *cert. denied*, 111 S. Ct. 139 (1990) (*HWTC III*). The levels of the treatment standards are, of course, constrained by the requirement that the standards not be lower than the level at which threats to human health and the environment are minimized. Section 3004(m)(1); *HWTC III*, 886 F. 2d at 363; *Third Third Opinion*, 976 F. 2d at 14. It was not possible to develop such levels in today's rule because of the need to issue this as an emergency rule. However, the Agency will continue to evaluate various approaches for setting such minimize threat levels and, as appropriate, propose them in future rulemakings. The Agency solicits technical and factual information that could aid in defining the minimize threat levels.

G. Compliance Monitoring Requirements

As noted in the Supplemental Information Report, one concern with implementing numerical treatment standards for the ignitable (D001) and corrosive (D002) wastes is which hazardous constituents must be monitored to determine compliance and the frequency of such monitoring. The treatment standards that are being promulgated (in addition to the existing deactivation treatment standard) for D001 wastes (other than the D001 high TOC subcategory, which is unaffected by today's rule), and D002 wastes, set numerical limits for over 200 constituents. Since each facility's ignitable or corrosive wastes likely will contain only a subset of these hazardous constituents, it seems unnecessary and wasteful to routinely require monitoring of all constituents. Therefore, compliance with the treatment standards promulgated in this rule for ignitable and corrosive wastes must be monitored for only for those hazardous constituents "reasonably expected to be present" in the hazardous waste.

The determination of "reasonably expected to be present" for compliance purposes may be based on knowledge of the raw materials used, the process, and potential reaction products, or the results of a one-time analysis for the entire list of F039 hazardous constituents that may be present in the untreated hazardous waste. If a one-time analysis of the entire list of F039 hazardous constituents is conducted, subsequent analyses would be required for only those pollutants which would reasonably be expected to be present in the waste as generated, based on the sampling and analysis results.

This approach is similar to that developed in the Third Third final rule for measuring compliance with multi-source leachate (F039) standards (55 FR 22620, 22621). (However, this approach for determining which constituents are present in the waste is not necessarily the approach that will be taken in future rulemakings when the remanded rules are addressed.) If the facility is permitted under RCRA, and the facility's Waste Analysis Plan requires modification to accomplish this, the Plan may be modified through a Class 1 permit modification with prior approval. (See amendment to 40 CFR 270.42 promulgated as part of today's rule. See also 55 FR 22621 explaining why it is reasonable to use Class I modification procedures.) If the facility is not permitted under RCRA, the results of the one-time analysis for all hazardous constituents and any other relevant information should be kept in the facility's files. See 40 CFR 268.9, 268.7(b)(5), and discussion at section I below. Generators covered by the rule utilizing § 262.34 tanks for treating the wastes may also amend their waste analysis plans prepared pursuant to § 268.7(a)(4). Changes in waste generation should be documented in the facility files; furthermore, it is recommended that another analysis of the F039 list of hazardous constituents be made. Commenters generally supported such an approach.

H. Addressing Potential VOC Emissions and Violent Reactions During Dilution of Ignitable and Reactive Wastes

1. Potential VOC Emissions During Dilution of Ignitable Wastes—Background and Comments

The court held that EPA must address the problem of VOC (volatile organic constituents) emissions from ignitable waste during dilution. The court pointed out that the Agency had initially proposed in the Third Third to prohibit dilution of all ignitable wastes because of the risk of VOC emissions during dilution. Furthermore, the court stated that EPA had presented inadequate justification in the final rule not to control emissions during dilution of ignitable wastes. Thus, in vacating the standard, the court invited the Agency to justify non-regulation with evidentiary support or require actions to minimize the risk. 976 F.2d at 17.

As was explained in the Supplemental Information Report, the Agency has reconsidered its premise set forth in the proposed Third Third rule (see Supplemental Information Report, pp. 34–5). In most cases, whatever the risk of VOC emissions from ignitable wastes is, it is not increased during the dilution process. Nor does dilution normally pose a risk of VOC emission greater than that posed by other methods of treating these wastes. In the Supplemental Information Report, the Agency also pointed out, however, that there are instances where diluting certain wastes could cause exothermic reactions that would increase volatilization or acid misting. *Id.* Furthermore, even in situations where emissions are not increased during the dilution process, the wastewater treatment system may still pose risks due to emissions. EPA solicited comments on these issues.

A few commenters responded. The Chemical Manufacturers Association and others agreed with EPA that in most cases the risk of VOC emissions from ignitable wastes is not increased during the dilution process. No commenter disagreed with EPA's tentative conclusion.

2. Potential Violent Reactions During Dilution of Reactive Wastes—Background and Comments

In the proposed Third Third rule, EPA stated that dilution of reactive wastes should not automatically be considered a legitimate form of treatment (54 FR at 48426). The preamble discussion indicated that most reactive wastes cannot be diluted without violent reaction, and thus concluded that dilution is not a viable management alternative for these wastes. The Agency took a different position in the final rule (i.e., many reactive wastes should be diluted with some type of liquid, such as kerosene, in the case of water reactive wastes, in order to safely transport such wastes to incineration or chemical treatment); however, the court looked primarily at the proposal in reaching its conclusion, saying that while there seemed to be no toxicity concern with these wastes, any treatment standard written for these wastes must curb the risk of violent reaction during treatment. 976 F. 2d at 18.

As was explained in the Supplemental Information Report, because of their very nature, reactive wastes are typically handled carefully to avoid violent reaction such as explosion. It is logical that workers are very careful with such wastes and take precautions against any risk of reaction, whether through dilution or other practices, to protect their health and very life. Comments were solicited on whether dilution is any more risky than other waste management practices for reactive wastes. Comments were also solicited on other types of controls that may be in place under OSHA and Department of Transportation requirements, or even under local fire codes, and whether such controls may be adequate to address the potential for violent reactions during dilution.

Commenters stated that in any situation where these wastes are deactivated by reaction with water, generators are already appropriately regulated under other statutes, including the Bureau of Alcohol, Tobacco, and Firearms regulations at 27 CFR 55, OSHA process safety management standards at 29 CFR 1710.119, and the chemical process safety standards of section 304 of the Clean Air Act. In addition, comments provided by members of the Chemical Manufacturers Association (CMA) indicate that reactive wastes are not commonly managed by dilution, and generators are highly motivated to prevent explosions and fires by concerns about employee and community safety, business continuity, and cost. Other commenters pointed out, as EPA did in the final Third Third rule, that dilution of some types of reactive wastes is the best means of removing the reactivity property (55 FR at 22553).

3. Final Approach

The Agency is adopting in this interim final rule an approach to address the potential for increased emissions during the process of dilution of ignitable wastes and for violent reactions during dilution of reactive wastes, the two principal risks potentially warranting extra control. The Agency is modifying 40 CFR 268 to require that the general facility standards set out at 40 CFR 264.17(b) and 265.17(b) for permitted and interim status facilities be met during dilution of ignitable or reactive characteristic wastes. These standards require persons managing ignitable or reactive wastes to take the necessary precautions to prevent reactions which generate extreme heat or pressure, fire or explosions, or violent reactions, produce uncontrolled toxic mists, fumes, dusts, or gases in harmful concentrations, or produce uncontrolled flammable fumes or gases that could pose risk of fire or explosion. As noted above, facilities not already subject to these requirements should be complying with them by virtue of meeting OSHA requirements, fire codes, or other safety-related requirements.

Dilution of reactive or ignitable wastes could take place in wastewater treatment tanks that are presently exempt from subtitle C regulation pursuant to §§ 264.1(g)(6) and 265.1(c)(10). We are making this exemption contingent on satisfying the performance standard in § 264.17(b)(and 265.17(b)). This obviously does not mean that such units become subject to any other type of subtitle C standard. Nor does it mean that these units necessarily lose their subtitle C-exempt status in the unlikely event of an explosion due to lack of precautions when diluting ignitable or reactive wastes. It only means that owners and operators of such units must take precautions when they use them to dilute ignitable and reactive wastes. In addition, because the Agency believes that almost all facilities managing these wastes in exempt tanks will take (and are already taking) proper precautions, and because it will ordinarily be readily apparent when such precautions are not taken, EPA is taking the unusual step of not adopting any type of recordkeeping requirement to document compliance with this new requirement.

I. Notification Requirements

1. Constituents To Be Included on the LDR Notification

EPA solicited comment in the Supplemental Information Report on how to limit the underlying hazardous constituents to be monitored (and thus, the ones required to be reported on the LDR notifications) (see Supplemental Information Report, pp. 8–10). Commenters on this issue generally said that the regulated community should

only be required to address those constituents which are in the ignitable or corrosive wastes as generated, prior to any subsequent mixing with other wastes, and the generators should monitor only for those hazardous constituents reasonably expected to be present in the I/C waste. This is the approach being adopted for this interim final rule (see section III.G above). The determination of which underlying hazardous constituents are in the waste may be made based on a one-time analysis of the waste to determine which of the F039 hazardous constituents are present, or it may be made based on knowledge of what constituents are reasonably expected to be present in the waste. Supporting documentation for the determination must be kept in the generator's on-site files. This approach for determining which constituents are present in the waste is not necessarily the approach that will be taken in future rulemakings when the remanded rules are addressed.

2. Management in Subtitle C—Regulated Facilities

The Agency has information that many of the ignitable and corrosive wastes that are not managed in CWA or SDWA systems are being treated in hazardous waste management units (primarily incinerators) subject to RCRA subtitle C. In such a case, the notification, certification, and recordkeeping requirements set out in 40 CFR 268.7 apply. This means, generally, that a notification would be prepared for each waste shipment sent from the generator to the treatment facility, in the same manner that such paperwork follows a listed waste from "cradle to grave." Once the waste is no longer hazardous, however, the only further recordkeeping and documentation required is set out in 40 CFR 268.9. Section 268.9 requires that the generator/treater (including generators who treat, see 51 FR at 40598, November 7, 1986) prepare a one-time notification which is sent to the EPA Region or authorized state and also kept in the generator or treater's files. The notification must include the name and address of the subtitle D facility receiving a waste shipment, a description of the waste initially generated, and the treatment standard to which the waste is subject (see § 268.9 (d), as amended at 57 FR at 37271 (Aug. 18, 1992)). For wastes covered by today's rule, these treatment standards would be the numerical standards for ignitable and corrosive wastes. These treaters must certify that they are familiar with the treatment process used at their facility and that the process can successfully treat the waste to meet the treatment standards without impermissible dilution. See § 268.7(b)(5), which applies to persons who treat formerly characteristic wastes (see § 268.9(d)(2)). The Agency believes that, normally, at least some waste analysis is needed to make a good faith showing for the treatment standards in today's rule, given the number of hazardous constituents covered by those standards.

It is important to state that in addition to other waste codes that are currently required to be included on notifications under § 268.7, generators of ignitable and corrosive wastes that are managed in non-CWA/non-CWA-equivalent/non-Class I SDWA systems must identify the underlying hazardous constituents (as defined in § 268.2) along with the corresponding constituent treatment standards.[4]

3. Management of Deactivated Ignitable or Corrosive Wastes at a Subtitle D Waste Management Facility

In certain cases, a generator, after removing the characteristic, may send the deactivated ignitable and corrosive waste off-site to a subtitle D waste treatment facility for treatment to address the underlying hazardous constituents. Such a situation points out a gap in the current regulations. Although the initial generator of the waste would have to comply with § 268.9 as explained above, there is no current requirement that the generator notify a subtitle D nonhazardous waste treater of what the treatment standards are, or for the subtitle D treater to verify compliance with those standards or to notify the ultimate disposal facility as to what the standards are. The Agency is aware that these are deficiencies in the notification, certification, and recordkeeping requirements in this interim final rule as they pertain to nonhazardous waste (non-subtitle C) treatment facilities.

EPA is not creating new requirements in this rule to redress these deficiencies because the Agency believes it is unlikely that decharacterized ignitable and corrosive wastes would be treated sequentially at different facilities. (In addition, the same problem already exists for other Third Third wastes. See 55 FR at 22663, column 1.) It seems much more likely that generators that must send their waste off-site will send it to a subtitle C hazardous waste management facility to have both the characteristic property removed and to treat the underlying hazardous constituents. Generators who decharacterize their ignitable waste on-site may also be equipped to treat the waste to meet the treatment standards for the underlying hazardous constituents. The Agency solicits comment, however, on whether generators will send their decharacterized wastes to a nonhazardous waste treatment facility for treatment of underlying hazardous constituents. If so, additional comments are solicited on what requirements should be imposed on the generator and on the nonhazardous waste treater to adequately document "cradle to grave" waste management or on whether existing liability and contractual agreements will lead the treater to obtain complete information about each waste shipment. For example, if EPA determines that additional federal regulation is necessary, one option that EPA is considering is to require a generator that decharacterizes an ignitable or corrosive waste and sends it off-site to a nonhazardous waste facility for treatment of the underlying hazardous constituents to provide a notification (see 40 CFR 268.7(a)) to inform the treater of the underlying hazardous constituents in the waste and the applicable treatment standards that must be met. Once the waste is treated to meet the treatment standards for the underlying hazardous constituents, the nonhazardous waste treater would provide a one-time notification and certification to the EPA Region or Authorized state (see 40 CFR 268.9, as amended on August 18, 1992, 57 FR 37194). This would include a recordkeeping requirement that a copy of the notification and certification be maintained in the facility's files. Comments are solicited on such an approach.

The disposer of a waste that was hazardous at the point of generation and prohibited from land disposal has the ultimate responsibility for land disposing only wastes that meet LDR treatment standards (see § 268.37 in this interim final rule which implements the RCRA section 3004(g)(5) prohibition). This applies to both subtitle C and subtitle D disposers. The Agency assumes that the nonhazardous waste treater is also likely to be the disposer of the waste. Therefore, EPA recommends that generators provide to the nonhazardous waste treater

[4] An important issue that was discussed at the January 13–14, 1993, LDR Evaluation Project Roundtable meeting was the notification/recordkeeping requirements that are currently in place. Today's rule adds certain requirements to the existing notification/recordkeeping system. In response to the concerns expressed by Roundtable participants, however, the Agency will examine all the notification/recordkeeping requirements of the program to see if they can be simplified.

information on what underlying hazardous constituents are present in the decharacterized waste, along with the treatment standards. Furthermore, the nonhazardous treater may want to ask the generator for such information as a condition of doing business, particularly if they are also disposing the waste and so are responsible for meeting the LDR treatment standards before disposal.

J. De Minimis Losses of Characteristic Materials Are Not Prohibited

1. *De Minimis* Losses of Ignitable (D001), or Corrosive (D002) Commercial Chemical Products or Chemical Intermediates Containing Underlying Hazardous Constituents

Another issue demanding attention as a result of the court's opinion is that of the status of *de minimis* losses to wastewater treatment systems of commercial chemical products or chemical intermediates that are ignitable (D001), or corrosive (D002), and that contain underlying hazardous constituents.

The Supplemental Information Report discussed whether an approach similar to the mixture rule exception in 40 CFR 261.3(a)(iv)(D) should apply to these *de minimis* losses. The Agency stated that it would seem incongruous for minor leaks of an acid to a wastewater treatment system, which leaks are inevitable as a practical matter and can most responsibly be handled by management in the plant's wastewater treatment system (46 FR 56583, Nov. 17, 1981), to potentially trigger all of the potential consequences of the Third Third opinion (see Supplemental Information Report, pp. 39–40). Moreover, this result would be more stringent than for *de minimis* losses of listed wastes (which tend to be more concentrated, 976 F. 2d at 30), since the mixture rule does not apply to such losses. The Agency stated further that it did not believe that the court considered this type of incidental loss when writing its opinion.

Commenters supported the approach discussed in the Supplemental Information Report. Therefore, for the reasons stated in the Report, the Agency is promulgating an approach whereby *de minimis* losses to wastewater treatment systems of ignitable (D001), or corrosive (D002) commercial chemical products or chemical intermediates containing underlying hazardous constituents are not considered to be prohibited wastes. *De minimis* is defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges.

2. Wastewaters From Laboratory Operations

The Agency also solicited comments on whether the exclusion for wastewaters from laboratory operations presently applicable to listed wastewaters (see 40 CFR 261.3(a)(2)(iv)(E)) should also apply to ignitable and corrosive wastes covered by this interim final rule. As stated in the Supplemental Information Report, it seems logical that this same type of exception is needed for ignitable and corrosive wastes. The mixture rule exception for listed wastes has not been seriously questioned since it was adopted in 1981, and these characteristic wastes will typically contain lower concentrations of hazardous constituents than listed wastes. CF. 976 F. 2d at 29–30. Thus, the Agency believes, *a fortiorari*, that the same exception should apply for these characteristic laboratory wastes. Commenters on this issue all favored such an approach.

The Agency, therefore, is promulgating in 40 CFR 268.1 an exclusion that says that land disposal prohibitions do not apply to ignitable and corrosive laboratory wastes that are commingled with other plant wastewaters under designated circumstances: ignitable and corrosive laboratory wastes containing underlying hazardous constituents from laboratory operations, that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities which have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headwork does not exceed one percent, or provided that the wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork (the same condition that applies to the existing exemption in 40 CFR 261.3(a)(2)(iv)(E)).

K. Status of Impoundments and Landfills Receiving Decharacterized Ignitable and Corrosive Wastes Subject to a Capacity Variance

Although prohibited wastes that are subject to a national capacity variance that are going to be disposed in landfills or surface impoundments can ordinarily only be disposed in landfills and impoundments that satisfy minimum technology requirements (MTR) (§ 268.5(h)(2)), this does not apply to decharacterized prohibited wastes subject to a capacity variance that are disposed in subtitle D units. As the Agency explained in the Third Third rule, the MTR only apply to subtitle C units, and consequently do not apply to subtitle D landfills and impoundments receiving decharacterized wastes. 55 FR at 22664.

IV. Capacity Determinations

This section presents the capacity analysis for ignitable (D001 or I wastes) and corrosive wastes (D002 or C wastes) for which the deactivation (DEACT) treatment standards promulgated in the Third Third rule were vacated by the court and for which new treatment standards are being promulgated today.

A. Data Sources and Limitations

In conducting this analysis, EPA became aware of several limitations in its data. First, data from the 1989 Biennial Report reflect generation and management of IC wastes prior to the Third Third rule coming into effect. Second, the quantities of wastes from the 1989 Biennial Reporting System (BRS) may be underestimated if disposed wastes were diluted very shortly after generation and not reported in the survey (commenters have noted that these wastes have not generally been considered IC wastes). Third, data on constituent concentrations in waste streams and in the residuals from the treatment of IC wastes are very limited. Finally, while the Agency expects that much of the unreported diluted IC wastes are disposed in CWA and SDWA-regulated systems, the Agency has very little information on unreported quantities of IC wastes affected by this rule.

In addition, the Agency is promulgating alternative treatment standards expressed as required methods of treatment (incineration, fuel substitution, and solvent recovery) for D001 wastes. These methods are the same as those promulgated in a previous rule for the D001 High TOC subcategory. In the Third Third rule capacity analysis, EPA assigned the entire volume of D001 ignitable liquid nonwastewaters to incineration (both high TOC and low TOC) (55 FR 22635) because these categories could not be distinguished in available data. For this analysis, EPA is able to distinguish between liquid and solid nonwastewaters using BRS data. However, the Agency is still unable to distinguish between high and low TOC D001 ignitable liquid nonwastewaters.

Therefore, by assigning the entire quantity of D001 ignitable liquid nonwastewaters subject to this rule to the D001 wastes covered by this rule, the Agency may be overestimating the required capacity for these wastes.

B. Comments on Capacity From the Notice of Data Availability

EPA has received approximately 60 public comments on the Supplemental Information Report prepared for the Notice of Data Availability. Of these, 40 commenters dealt with capacity issues raised in the Supplemental Information Report. However, few commenters addressed issues related to the wastes covered in this rule (i.e., deactivated wastes whose discharges are not regulated under CWA, CWA-equivalence, or Class I SDWA).

Many commenters expressed the need for a capacity variance for wastewater treatment systems in which IC wastes are deactivated. As discussed above, the Agency will address IC wastes managed in CWA/SDWA systems in future rulemakings and will make variance determinations at that time.

Some commenters (e.g., Texaco, Ethyl Corporation) expressed concern that the impact of this rule on Class V injection wells will have significant economic and capacity impacts. Several commenters (e.g., CMA, PMA, Dupont) confirmed that the Biennial Report Survey is likely to underestimate the number of facilities and quantities of wastes potentially affected by this rule because many respondents did not report wastes managed in non-hazardous systems.

C. Methodology and Analysis

In conducting its capacity analysis for this rule, the Agency relied primarily on data from the 1989 Biennial Reporting System (BRS), comments to the Notice of Data Availability and discussions with EPA regional and state officials as well as other knowledgeable persons. The IC wastes potentially affected by this rule are deactivated wastes that are not disposed of in CWA centralized wastewater treatment systems involving impoundments or injected in SDWA-permitted Class I deepwells, or zero discharge facilities performing CWA equivalent treatment of IC wastes before final disposal of those wastes. EPA's capacity analysis thus focused on treatment and treatment residuals of IC wastes that may not meet the standards promulgated in today's rule, which wastes are currently being deactivated in systems that are not regulated under the types of CWA, SDWA, or CWA-equivalent systems described above.

1. Treatment and Treatment Residuals

Treatment and residuals from the treatment of IC wastes may be affected by today's rule and require additional treatment. Tables IV–1 and IV–2 show the quantities of D001 and D002 wastes going to on- and off-site incineration, reuse as fuel, stabilization systems, solvent recovery and evaporation, according to the 1989 Biennial Report. These tables are organized to show the quantities of wastes potentially affected by this rule. Whether IC wastes are affected depends on whether they are managed alone or with other codes and on how they are currently treated.

Table IV–1 shows wastes treated in off-site systems, while Table IV–2 shows wastes treated in on-site systems. The first row of these tables contains the quantities of wastes carrying only the D001 waste code. The second row contains the quantities of wastes carrying only the D001 code, and any D004–11 codes. These waste streams do not carry any listed codes, or other characteristic codes. The third row contains the quantities of wastes carrying the D001 code, any D004–11 code, along with any listed or characteristic codes the stream may also carry. The fourth row shows the quantities of wastes carrying the D001 code, and a solvent code (F001–5), but no other codes. The fifth row shows the quantities of wastes in wastes streams carrying the D001 code, a solvent code (F001–5), and any other code. The sixth row contains the quantities of wastes only carrying both D001 and D002 codes. The final three rows are similar to the first three, reporting quantities of wastes carrying only D002, D002 with any D004–11, and all streams with D002 and D004–11 as well as any other listed or characteristic codes. It should be noted that the Biennial Report only allows one system code to be checked per waste stream. Therefore, wastes that are incinerated prior to being stabilized are not likely to appear in the stabilization totals. The Agency believes that the majority of D001 waste streams are being treated in combustion systems, and will not be affected by today's rule.

Tables IV–1 and IV–2 show that approximately 7,000 tons of D001 wastes are reported to be stabilized as their primary treatment. By today's rule, these wastes may require incineration, reuse as fuel, or solvent recovery as their initial treatment.

Table IV–2 shows that relatively large quantities of D002 are reported in the Biennial Report as being treated in combustion systems (D001–2 Only, and D002 & D004–11 mixed with other codes). Approximately 300,000 tons of D002 wastes are managed on-site in combustion systems. Of these wastes, 70,000 tons are mixed with metal wastes and other codes. Assuming a 10 percent residuals to waste ratio, EPA expects that approximately 10,000 tons of D002 wastes mixed with metal codes may require additional treatment, provided the constituent concentrations in the ash exceed today's treatment standards.

TABLE IV–1.—QUANTITIES OF WASTES TREATED IN OFF-SITE INCINERATION, REUSE AS FUEL, AND STABILIZATION, SOLVENT RECOVERY AND EVAPORATION SYSTEMS

[tons/year]

	Incineration	Reuse as fuel	Stabilization	Solvent recovery	Evaporation
2D001Only	NA	NA	2,379	NA	0
D001 and D004–11 Only	NA	NA	429	NA	0
D001 and D004–11 Mixed with other codes	NA	NA	462	NA	NA
D001 and F001–5 only	NA	NA	118	NA	NA
D001 and F001–5 mixed with other codes	NA	NA	11	NA	NA
D001–2	5,068	566	923	1,230	0
D002 Only	23,647	370	5,768	13,894	42
D002 and D004–11 Only	1,119	683	4,177	229	88

TABLE IV–1.—QUANTITIES OF WASTES TREATED IN OFF-SITE INCINERATION, REUSE AS FUEL, AND STABILIZATION, SOLVENT RECOVERY AND EVAPORATION SYSTEMS—Continued

[tons/year]

	Incineration	Reuse as fuel	Stabilization	Solvent recovery	Evaporation
D002 and D004–11 mixed with other codes	9,054	1,779	9,017	45	NA

Source: 1989 Biennial report.
NA=Not applicable.

TABLE IV–2.—QUANTITIES OF WASTES TREATED IN ON-SITE INCINERATION, REUSE AS FUEL, AND STABILIZATION, SOLVENT RECOVERY AND EVAPORATION SYSTEMS

[tons/year]

	Incineration	Reuse as fuel	Stabilization	Solvent recovery	Evaporation
D001 Only	NA	NA	420	NA	1,075
D001 and D004–11 Only	NA	NA	2	NA	0
D001 and D004–11 Mixed with other codes	NA	NA	1,266	NA	NA
D001 and F001–5 only	NA	NA	34	NA	NA
D001 and F001–5 mixed with other codes	NA	NA	1,255	NA	NA
D001–2	108,518	124,807	0	548	0
D002 Only	5,287	3,372	1,097	38	835
D002 and D004–11 Only	16	0	4	0	101
D002 and D004–11 mixed with other codes	26,484	46,638	1,277	4	NA

Source: 1989 Biennial report.
NA=Not applicable.

2. IC Wastes Currently Deactivated Covered By This Rule

In order to estimate the potential quantities of IC wastes affected by this rule, EPA extracted data from the BRS on IC wastes managed in surface impoundments whose discharges are not regulated under CWA or SDWA (as explained above). Data from the BRS indicates that 99.9% of all waste quantities disposed of in surface impoundments are discharged under CWA or in SDWA Class I wells. EPA believes that IC wastes are land disposed in the same proportions as other wastes; therefore, EPA believes that most IC wastes that are placed in surface impoundments are part of a CWA system or sent to Class I wells. The Agency estimates that approximately 1,000 tons of D001 wastes may be managed in evaporation systems—that is, wastes that are subject to today's rule. These wastes may require alternative treatment capacity if the underlying hazardous constituents in these wastes are above F039 standards. EPA has not assigned these quantities to treatment technologies because of the lack of data on constituent composition in these evaporation systems.

The Agency has also become aware of wastewater treatment systems that are not regulated under CWA/SDWA and that may be impacted by this rule. (As described earlier, only those zero-discharge facilities that do not provide CWA-equivalent treatment would be impacted by today's rule.) These systems are generally state-regulated through zero discharge, land application, or ground-water protection permits. State data received by EPA did not indicate whether the wastes discharged under these systems are IC wastes or contain decharacterized IC wastes or what constituent levels are allowed in the state permits. Furthermore, state standards exist either on a case-by-case basis or in general form and are not necessarily consistent across states.

States generally require treatment of wastes regulated through no-discharge permits. EPA has determined that many of these facilities are providing treatment similar to other facilities whose discharges are regulated under CWA. As explained above, the Agency has determined that such zero discharge systems will be addressed at a future date, along with similar CWA discharge systems. The Agency believes that most of the wastes regulated by states through no-discharge, land application, or ground-water protection permits receive treatment similar to CWA discharge systems and are therefore not covered by this rule.

In addition, deactivated IC wastes that currently are disposed without CWA-equivalent treatment into UIC program injection wells other than Class I wells would be affected by today's rule to the extent that these wastes do not meet F039 standards. In particular, commenters to the Notice of Data Availability voiced concerns about Class II and Class V wells.

As described in section I.F above, after an examination and evaluation of the comments received on the Notice of Data Availability, the Agency believes that Class II UIC wells reinjecting oil and gas primary production wastes are not newly impacted by this rule.

Data available to EPA indicates that there may be up to 200,000 industrial Class V wells. Because of the lack of waste characterization data, it is not known how many of these wells receive deactivated IC wastes or would meet F039 treatment standards before injection. Typical quantities of wastes injected in these wells vary widely between 35 and 1,000 gallons per week. EPA estimates that approximately 15,000 tons per year of wastes injected in Class V wells may contain deactivated IC wastes. This estimate takes into account that some of these wastes receive treatment prior to Class V injection and are either likely to meet F039 standards or to be CWA equivalent

zero dischargers (and thus not be impacted by today's rule).

The Agency suspects that many of these Class V wells fall under the Small Quantity Generator (SQG) exclusion and are conditionally exempt from RCRA requirements, including the LDRs (see 268.1(e)(1)). From the information gathered, and comments received on the Notice of Data Availability, EPA further believes that a number of the deep Class V wells treat their wastes prior to injection, and thus would not be affected by this rule if such a practice would qualify them as a CWA-equivalent facility.

3. Affected Facilities

Table IV–3 shows the number of facilities which indicated in the BRS that they treated D001 and D002 wastes in incineration, reuse as fuel, solvent recovery, stabilization, and evaporation systems. The table shows both the number of facilities managing IC wastes on-site and those treating wastes received from off-site. These include commercial treatment and company-captive treatment facilities.

The first two rows of Table IV–3 show the number of facilities which reported sending waste streams carrying a D001 code, and any other D codes, but no listed codes, to stabilization and evaporation systems. The next three rows show the number of facilities which reported sending waste streams carrying both the D001 and D002 codes, and any other D codes, but no listed codes, to incineration, reuse as fuel, and solvent recovery systems. The last five rows show the number of facilities which reported sending waste streams carrying a D002 code, and any other D codes, but no listed codes, to stabilization, incineration, reuse as fuel, evaporation, and solvent recovery systems.

Overall, Table IV–3 indicates that 73 facilities with on-site treatment systems and 279 commercial and company-captive facilities may be affected by this rule. On-site treatment facilities may have to reconfigure their current treatment systems to include additional technologies. Commercial facilities are also included as potentially affected although EPA recognizes that these facilities have some discretion in their decision to accept or reject wastes for treatment.

EPA contacted state officials to obtain information on non-CWA/SDWA systems that are state-regulated through zero discharge land application permits, as discussed in the previous section. Based on professional judgement, EPA estimates that approximately 100 facilities regulated under these state programs may manage deactivated IC wastes.

Following discussions with regional and state officials, EPA has determined that the types of Class V industrial wells that may be impacted by this rule are:

- Industrial process water and waste disposal wells that are used to dispose of a wide variety of wastes and wastewaters from industrial, commercial, or utility processes. Industries include refineries, chemical plants, pharmaceutical plants, laundromats and dry cleaners, tanneries, laboratories, petroleum storage facilities, electric power generation plants, car washes, electroplating industries, etc.
- Automobile Service Station Disposal Wells that inject wastes from repair bay drains at service stations, garages, car dealerships, etc.

However, the Agency believes that many of these facilities are either Small Quantity Generators (SQGs), or generate IC wastes from *de minimis* losses of ignitable or corrosive products, as described in this rule, or treat their wastes in CWA-equivalent systems before permanent disposal, and are therefore not covered by this rule. Based on contacts with regional and state officials, EPA estimates that fewer than 100 facilities with Class V wells may be impacted. These include primarily wastes from industrial facilities that are not treated prior to injection, and wastes from large repair/maintenance facilities. The Agency solicits comment on estimates, as well as additional information on the number of Class V wells, the types of wastes, and the volumes of such wastes injected.

TABLE IV–3.—NUMBER OF FACILITIES POTENTIALLY IMPACTED BY THIS RULE

Type of waste	Type of treatment	Number of facilities reporting on-site treatment	Number of facilities receiving wastes from off-site
Waste streams carrying at least a D001 code, may have any other D code but no listed codes.	Stabilization	4	64
Waste streams carrying at least a D001 code, may have any other D code but no listed codes.	Evaporation	3	3
Waste streams carrying at least a D001 and D002 code, may have any other D code but no listed codes.	Incineration	22	89
Waste streams carrying at least a D001 and D002 code, may have any other D code but no listed codes.	Reuse as fuel ...	9	31
Waste streams carrying at least a D001 and D002 code, may have any other D code but no listed codes.	Solvent recovery	1	27
Waste streams carrying at least a D002 code, may have any other D code but no listed codes.	Stabilization	8	93
Waste streams carrying at least a D002 code, may have any other D code but no listed codes.	Incineration	44	205
Waste streams carrying at least a D002 code, may have any other D code but no listed codes.	Reuse as fuel ...	11	67
Waste streams carrying at least a D002 code, may have any other D code but no listed codes.	Evaporation	7	2
Waste streams carrying at least a D002 code, may have any other D code but no listed codes.	Solvent recovery	4	78
Total facilities affected, on-site and off-site	All of the above	73	279

TABLE IV–3.—NUMBER OF FACILITIES POTENTIALLY IMPACTED BY THIS RULE—Continued

Type of waste	Type of treatment	Number of facilities reporting on-site treatment	Number of facilities receiving wastes from off-site
Total number of unique facilities affected	All of the above		[1]338

[1] This total does not add up to the totals of the two columns because it includes facilities that report they treat wastes generated on-site as well as received from off-site. Source of data: 1989 Biennial report.

D. Variance Determinations

The Agency's analysis indicates that the quantities of wastes potentially affected by this rule is relatively small, approximately 30,000 tons per year. EPA estimates that there is 750,000 tons of combustion capacity for liquids and solids, and over 1,000,000 tons of stabilization treatment capacity. Therefore, a capacity extension is not generally warranted. However, capacity to provide additional treatment for these wastes may not be immediately available. Therefore, in order to allow all generators and off-site treatment facilities the time necessary to install additional treatment equipment that may be needed, and to perform the necessary testing procedures to determine whether their wastes are affected by this rule, the Agency is granting a 90-day national capacity variance from the effective date of this rule to ignitable (D001) and corrosive (D002) wastes covered under this rulemaking.

As noted above, the Agency believes that most of the Class V wells which could be potentially impacted by this rule either fall under the Small Quantity Generator (SQG) exclusion and are conditionally exempt from RCRA requirements, including the LDRs (see 268.1(e)(1)), or have CWA-equivalent treatment systems and are therefore not affected by today's rule. As an interim measure, however, the Agency is granting a national capacity variance extending the effective date of today's rule for nine months from the date of signature for decharacterized ignitable and corrosive wastes injected into Class V wells in order for the facility to determine: (1) If it is impacted; (2) to develop appropriate on-site modifications for alternative treatment; (3) to obtain off-site treatment; and, if necessary, submit petitions for case-by-case capacity variances (see section IV of this preamble). The Agency also solicits additional information on the number of Class V wells, the types of wastes, and the volumes of such wastes injected. The Agency believes that it would be prudent for these Class V wells to apply for case-by-case extensions of the effective date during this nine-month extension period.

The Agency wishes to emphasize that deactivated IC wastes regulated under CWA/CWA-equivalent/SDWA will be addressed in future rulemakings. Current treatment standards for wastes managed in these systems remain in effect.

V. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. Following authorization, EPA retains enforcement authority under sections 3008, 3013, and 7003 of RCRA, although authorized States have primary enforcement responsibility. The standards and requirements for authorization are found in 40 CFR part 271.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization administered its hazardous waste program in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect as RCRA requirements in an authorized State until the State adopted the requirements as State law, and EPA approved the State's revisions.

In contrast, under RCRA section 3006(g) (42 U.S.C. 6926(g)), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out these requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, HSWA applies in Federally authorized States in the interim.

Today's rule is being promulgated pursuant to sections 3004 (d) through (k), and (m), of RCRA (42 U.S.C. 6924 (d) through (k), and (m)). It is added to Table 1 in 40 CFR 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to HSWA and that take effect in all States, regardless of their authorization status. States may apply for either interim or final authorization for the HSWA provisions in Table 1, as discussed in the following section of this preamble. Table 2 in 40 CFR 271.1(j) is also modified to indicate that this rule is a self-implementing provision of HSWA.

B. Effect on State Authorization

As noted above, EPA is today finalizing an interim rule that will be implemented in non-authorized and authorized States until their programs are modified to adopt these rules and the modification is approved by EPA. Because the rule is promulgated pursuant to HSWA, a State submitting a program modification may apply to receive either interim or final authorization under RCRA section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State program modifications for either interim or final authorization are described in 40 CFR 271.21.

Section 271.21(e)(2) requires that States with final authorization must modify their programs to reflect Federal program changes and to subsequently submit the modification to EPA for approval. The deadline by which the State would have to modify its program to adopt these regulations is specified in § 271.21(e). The deadline is July 1, 1994, because this rulemaking was finalized on or before June 30, 1993. This deadline can be extended in certain cases (see § 271.21(e)(3)). Once EPA approves the modification, the State requirements become Subtitle C RCRA requirements, and the State assumes responsibility for this implementation.

States with authorized RCRA programs may already have

requirements similar to those in today's final rule. These State regulations have not been assessed against the Federal regulations being finalized today to determine whether they meet the tests for authorization. Thus, a State is not authorized to implement these requirements in lieu of EPA until the State program modifications are approved. Of course, states with existing standards could continue to administer and enforce their standards as a matter of State law. In implementing the Federal program, EPA will work with States under agreements to minimize duplication of efforts. In many cases, EPA will be able to defer to the States in their efforts to implement their programs rather than take separate actions under Federal authority.

States that submit their first official applications for final authorization less than 12 months after the effective date of these regulations are not required to include standards equivalent to these regulations in their application. However, the State must modify its program by the deadline set forth in § 271.21(e). States that submit official applications for final authorization 12 months after the effective date of these regulations must include standards equivalent to these regulations in their application. The requirements a state must meet when submitting its final authorization application are set forth in 40 CFR 271.3.

The regulations being finalized today need not affect the State's Underground Injection Control (UIC) primacy status.

VI. Regulatory Requirements

A. Economic Impact Screening Analysis Pursuant to Executive Order 12291

Executive Order No. 12291 requires that a regulatory agency consider for each regulation the potential benefits as compared to the potential costs to society. To this end, for all major rules, a Regulatory Impact Analysis (RIA) must be conducted. An RIA is a quantification of the potential benefits, costs, and economic impacts of a rule. A major rule is defined as a regulation estimated to result in:

- An annual effect on the economy of $100 million or more; or
- A major increase in costs or prices for consumers, individuals, industries, Federal, State, and local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Agency conducted a screening analysis to learn whether the costs incurred under the today's rule exceed $100 million annually, thus making it a major rule. EPA determined that the incremental cost of the rule is between $8 and $13 million per year. Because today's rule is a minor rule, the Agency has prepared an Economic Impact Screening Analysis (EIA), analyzing the costs and economic impacts of the rule. The Agency has not performed a quantification of the benefits attributable to today's rule.

The discussion which follows addresses the methodology and results of the EIA. The methodology section summarizes the approach taken for determining the volumes, costs and economic impacts associated with today's rule. The results section describes the results for the volume, cost and economic impact estimations. A more detailed description of the methodology and results sections may be found in the "Economic Impact Analysis for the Interim Final Rule in Response to the Third Third Court Case," which has been placed in the docket for today's rule.

1. Methodology

a. *Estimation of Affected Volumes—Overview.* The volume addressed in today's rule covers the ignitable (D001) and corrosive (D002) (IC) wastes with hazardous constituents at levels greater than the F039 treatment standards that are managed at facilities other than those whose discharge is regulated under the CWA, zero-discharge facilities engaging in CWA-equivalent treatment prior to land disposal, and facilities injecting these wastes into Class I deep injection wells regulated under the SDWA. Because of differences in baseline and post-regulatory management practices for D001 and D002 liquids and treatment residuals, EPA considered these three subsets of affected wastes separately in its analysis.

The Agency relied heavily on three sources of information to develop an estimate of the waste volumes affected by today's rule. The 1989 BRS provided D001 and D002 quantities as reported to EPA by large quantity generators. EPA used the 1986 Treatment, Storage, Disposal and Recycling Facility Survey (TSDR) and 1989 telephone survey update performed by OSW to help estimate the proportions of (1) liquid wastes discharged directly (i.e., without placement in a land based unit) under the CWA, and (2) liquid wastes placed in a surface impoundment with no discharge. Thirdly, EPA used responses to the Questionnaire for Facilities that Land Dispose Newly-Identified Organic TC Wastes (referred to hereafter as the 1992 TC Survey) to update wastewater management information collected for the TSDR and the subsequent 1989 telephone update. A more detailed description of the Agency's volume estimation process is described in the background document in the docket for today's rule.

It should be noted that in estimating the affected volumes for today's rule there is a volume of D001 and D002 never reported as hazardous waste in the Agency's survey data. While the Agency performed a sensitivity analysis to determine how this unreported quantity may increase the impact of today's rule, the lack of data presented limitations to the analysis.

b. *Estimation of Affected Volumes—Liquids.* The Agency employed the BRS to identify, using information on treatment practices for liquids, which liquids could potentially be managed on the land. EPA then used factors to approximate the quantities of liquids: (1) that could be placed on the land, and (2) that would not be managed in systems regulated under the CWA/CWA-equivalent/SDWA not affected by today's rule. To determine these factors, the Agency reviewed waste management information from the TSDR, as modified by the 1989 telephone update. The Agency then employed information collected as part of the 1992 TC Survey which indicated that 8 of the 10 largest generators of potentially land-disposed liquids, as reported in the 1989 BRS, no longer had surface impoundments. EPA linked this information to the management information contained in the TSDR, and determined that in general only 13 percent of liquids are managed in surface impoundments during treatment, storage or disposal. Therefore, EPA multiplied all the D001 and D002 liquid volumes it obtained from the BRS by 13 percent to estimate the quantities of D001 and D002 likely managed on the land.

In developing a generic factor to estimate quantities of D001 and D002 liquids affected by today's rule, the Agency first assumed that any liquids in the 1986 TSDR survey denoted as being managed in treatment or storage impoundments were being managed in those units temporarily, and would eventually be discharged pursuant to CWA regulations. Furthermore, EPA assumed that liquids denoted in the TSDR as being managed in surface impoundments with no discharge were managed in those units permanently and would not be regulated under these two statutes. Based on these two assumptions of surface impoundment

management, EPA estimated that one percent of the liquids managed in land-based units are permanently managed in these units, and are not subsequently discharged through systems regulated under the CWA or SDWA, or receiving CWA-equivalent treatment. Therefore, by combining its two factors (i.e., 13 percent and 1 percent), EPA estimated that, in general, only 0.13 percent of potentially land-disposed liquids in the 1989 BRS would be affected by today's rule. EPA applied this percentage generically to all IC waste to determine the waste quantities for its cost analysis.

c. *Estimation of Affected Volumes—Residuals.* As EPA has specified treatment methods for D001 wastes, which if used remove the burden of testing for compliance, the Agency is assuming that the only costs incurred under today's rule for the treatment of residues will be incurred for those residues generated from the treatment of D002 wastes. To determine the quantity of residuals affected by today's rule, the Agency used the 1989 BRS data to identify the volumes of D002 liquids, sludges, and solids currently going to three categories of treatment: incineration, fuel substitution, and recovery of organics. EPA then developed residual factors for the combinations of waste forms and treatment categories. EPA assumed, as an upper bound, that at least one constituent concentration in the residuals would exceed the treatment standards in every case. However, because the treatment technologies currently being employed to treat D002 are effective in destroying or removing organics, EPA assumed that these residuals would only require stabilization to reduce leachable levels of metals. In other words, EPA assumed that all residuals would fail the treatment standards, but only for metals, and therefore would require treatment in the form of stabilization in all cases. EPA considered the solid fraction of waste only, expecting that any facility with substantial liquid residuals will already have a treatment system regulated under the CWA or SDWA.

d. *Estimation of Affected Volumes—Affected Class V Wells.* To estimate the volumes of waste from the affected Class V wells, the Agency drew from volume estimates prepared by the Office of Water for work on a Class V injection well proposed rule. The volume estimating process is described in greater detail in the "Economic Impact Analysis for the Interim Final Rule in Response to the Third Third Court Case," which has been placed in the docket for today's rule.

The Agency used estimates of the number of wells affected, and the disposal rate of waste for model wells in order to develop an estimate of the total annual disposal rate of waste in tons per years for the Class V wells. Next, EPA approximated the percentage of this total volume which would be IC waste, and thus potentially covered under today's rule. This approximation was derived using the 1989 BRS Summary Report and the 1990 RIA for the Third Third LDR. This interim result represents the total annual amount of IC waste disposed in Class V wells. Using this result, the Agency estimated those volumes which are managed under the small quantity exemption, and therefore would not be affected by today's rule. Further, EPA estimated the volumes which have hazardous constituents below F039 levels, and so would also not be affected by today's rule. The resultant volume represents the total amount of Class V injected waste affected by today's rule.

e. *Estimation of Costs Incurred—Liquids, Residuals and Affected Class V Wells.* To estimate the range of costs expected to be incurred as a result of today's rule, the Agency developed baseline and post-regulatory management assumptions for IC wastes. The incremental costs of the rule are derived by comparing baseline costs with the costs resulting under the post-regulatory scenario.

The baseline waste management scenario for all IC waste is assumed to be deactivation followed by subtitle D disposal. Treatment to comply with standards set in today's rule will vary widely, depending on the chemical composition and physical form of the waste. Because of data limitations, it is impossible to predict exact treatment technologies which would be employed by waste management facilities; thus, the Agency relied on assumptions to estimate the upper-bound of the post-regulatory compliance cost.

The Agency employed an upper-bound estimate that all facilities managing wastewaters in non-CWA/non-CWA-equivalent/non-SDWA systems would incur the cost of switching from land-based units to tanks. This approach overestimates the true cost for those facilities that choose rather to employ treatment and testing where found to be less costly than replacement with tanks. For certain facilities where replacement with tanks is not an option, however, this approach may not be overestimate. The Agency developed cost functions for replacement with tanks. These detailed assumptions are presented in the "Economic Impact Analysis for the Interim Final Rule in Response to the Third Third Court Case."

For the residuals from thermal treatment (e.g., incineration, reuse as fuel, solvent recovery), the Agency assigned stabilization treatment to the total volume of residual, followed by subtitle D disposal of the stabilized mass. The Agency used a range of stabilization unit costs between $108/ton and $210/ton, to estimate the cost of residuals management under today's rule. However, as the $210/ton cost includes subtitle C disposal, it should be viewed as a high bound cost.

For the last category of wastes addressed under today's rule, the wastes attributed to Class V wells, the Agency used the total volume estimate developed above with a unit cost of $240 per ton of waste treated to produce a total cost estimate for the rule. This approach was required due to the lack of data and time for the analysis of Class V wells. The $240 per ton is for the post-regulatory treatment technology, and is equivalent to many technologies which might be chosen, such as: chemical precipitation, carbon absorption or biological treatment. As the Agency has not been able to focus on the exact volume affected by today's rule, nor does the Agency have knowledge on the possible treatments used in the post-regulatory scenario, this estimate is a high-bound estimate for the Class V wells.

f. *Estimation of Costs Incurred—Testing Costs.* There could be analytic costs incurred under today's rule for residues from treating D002 wastes, and for D001 wastes not treated by combustion or reclamation technologies. While some managers of potentially affected D001 and D002 wastes and residues may ultimately use professional knowledge to determine whether they meet the treatment standards, testing will likely be necessary for a short period following promulgation of today's rule.

The Agency believes that the testing costs in the long-term will be negligible, as it is believed that facilities will shift to using professional knowledge following initial testing. In addition, the facilities not using a specified method, and thus require testing, may only require testing for the presence of metals. However, the Agency has estimated a high-bound cost for testing assuming that half of the affected facilities would perform testing, rather than using professional knowledge. With the cost of testing for all F039 constituents estimated to be $3000 per test, the Agency determined a total annual testing cost figure of approximately $1 million.

g. *Estimation of Costs Incurred—Reporting Requirements.* Permitted treatment facilities that have Waste Analysis Plans requiring a permit modification in order to be able to treat underlying hazardous constituents will be impacted by today's rule. As mentioned previously in this preamble, such modifications may be made through a Class 1 permit modification with prior approval. (Also, see amendment to 40 CFR 270.42 promulgated as part of today's rule.)

The Agency, employing standard assumptions of number of burden hours for a Class 1 permit modification with prior approval, estimates the costs incurred as a result of these reporting requirements to be $10,500. A more detailed discussion of the costing procedure for reporting requirements is included in the Economic Impact Analysis background document for today's rule.

h. *Methodology for Economic Impact Analysis.* As facility-specific cost data are not available for the affected volumes in today's rule, EPA is not able to conduct a quantitative economic impact analysis. However, given the time and data available, the Agency prepared an examination of the costs of today's rule, disaggregated by 2-digit SIC codes, in the Economic Impact Analysis background document prepared for this interim final rule and available in the RCRA docket.

B. Results

a. Results of Affected Volumes Estimation

EPA conservatively estimates an upper bound of 73,000 tons of liquids (not including those sent to Class V wells); 36,000 tons of residuals from treatment; and 15,000 tons of liquids going to Class V wells being affected by today's rule. The volume of liquids is low because most facilities have established systems that utilize exempt units (i.e., tanks) or centralized treatment whose discharge is ultimately regulated under the CWA and SDWA. The volumes attributed to Class V wells are low because the majority of Class V wells are small quantity generators, or do not have wastes which have hazardous constituents at levels above the F039 treatment levels. It should be noted that, the Agency analysis overestimates quantities affected in that it typically does not account for the volumes which would already meet treatment standards and thus not require additional treatment under today's rule (except in the case of Class V wells).

b. Results of Incremental Costs Incurred

In developing its method to assess the cost of today's rule, the Agency has relied on several conservative assumptions. The Agency estimates that the compliance cost of today's rule is between $8 and $13 million annually. Table VI–1 presents the estimates for each category of affected waste.

TABLE VI–1.—UPPER-BOUND COMPLIANCE COST OF THE RULE BY WASTE TYPE

Waste type	Quantity affected (tons/yr)	Incremental compliance cost ($ million/yr)
Liquids	73,000	<0.5
Residuals	36,000	3.9 to 7.6
Class V Wells	15,000	3.5
Analytical costs.		0 to 1.0
Total		7.9 to 12.6

d. Sensitivity Analysis of Cost Results

The Agency's sensitivity analysis covered only the potentially missing volume of IC waste currently being deactivated and managed as nonhazardous waste. The Agency's sensitivity analysis portrays possible quantities of deactivated IC waste, and the resultant cost ramifications in an order of magnitude approach. A more thorough examination of the limitations in the analysis of today's rule is included in the "Economic Impact Analysis for the Interim Final Rule in Response to the Third Third Court Case" background document, which has been placed in the docket for today's rule.

The Agency believes that all deactivated IC volumes managed as nonhazardous waste would be wastewaters (i.e.: liquids), as sludges and solids are not typically managed through exempt units. The Agency's estimate of quantities of affected liquids, as shown in Table VI–1, is 73,000 tons per year. The resulting incremental cost for this 73,000 tons per year of liquid waste is <$0.5 million per year.

Therefore, if the 73,000 tons per year is doubled as a result of these nonhazardous IC volumes which are not captured in today's analysis, the resulting incremental costs for liquids would be approximately $1.0 million per year. If the quantity was multiplied by 5, the resulting cost would be approximately $2.5 million per year. If the quantity was multiplied by 10 times, the cost would be roughly $5 million per year. And finally, if the volume was multiplied by 50, so that the volume was 3.65 million tons per year, the incremental cost would be approximately $25 million per year.

The Agency emphasizes that the volume and cost estimates presented in Table VI–1 are upper-bound estimates derived by applying a series of conservative assumptions that were useful given the absence of substantial detailed data. It is acknowledged that some volume of IC waste may exist which is managed as nonhazardous waste currently, and therefore not accounted for in the EPA's estimate. The Agency's sensitivity analysis should be viewed as order-of-magnitude estimates, providing a screening level examination of potential costs for a series of hypothetical volumes.

B. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, when an agency publishes a notice of rulemaking, for a rule that will have a significant effect on a substantial number of small entities, the agency must prepare and make available for public comment a regulatory flexibility analysis that considers the effect of the rule on small entities (i.e.: small businesses, small organizations, and small governmental jurisdictions). Under the Agency's Revised Guidelines for Implementing The Regulatory Flexibility Act, dated May 4, 1992, the Agency committed to considering regulatory alternatives in rulemakings when there were any economic impacts estimated on any small entities. Previous guidance required regulatory alternatives to be examined only when significant economic effects were estimated on a substantial number of small entities.

In assessing the regulatory approach for dealing with small entities in today's rule, the Agency considered three factors. First, due to the low annual incremental cost of $7.9 million estimated for today's rule, the Agency anticipates minimal impacts on small entities. Second, data on potentially affected small entities are unavailable. And third, due to the statutory requirements of RCRA, no legal avenues exist for the Agency to provide relief from the LDR's for small entities. The only relief available for small entities are the existing small quantity generators and conditionally exempt small quantity generator exemptions found in 40 CFR 262.11–12, and 261.5, respectively. These exemptions basically prescribe 100 kilograms (kg) per calendar month generation of hazardous waste as the limit below which one is exempted from complying with the RCRA standards.

Given these three factors, the Agency was unable to frame a series of small entity options from which to select the lowest cost approach; rather, the Agency was legally bound to one approach. It can only be stated that minimal impacts are anticipated for small entities under the approach employed in dealing with the issues in today's rule.

C. Paperwork Reduction Act

With the exception of the requirement to include the underlying hazardous constituents on the notification, the information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned control number 2050–0085.

The information collection requirements associated with the amended notification requirements, requiring generators and treaters of certain D001 and D002 wastes to include the underlying hazardous constituents on the notification, have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* These requirements are not effective until OMB approves them and a technical amendment to that effect is published in the **Federal Register**. An Information Collection Request document has been prepared by EPA (ICR No. 1442.05) and a copy may be obtained from Sandy Farmer, Information Policy Branch, EPA, 401 M Street, SW. (PM–223Y), Washington, DC 20460 or by calling (202) 260–2740.

Public reporting burden for this collection of information is estimated to average about 3 to 6 hours per response for generators and 3 hours per response for treaters, including time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information.

Send comments regarding the burden estmate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Jonathan Gledhill."

VII. Interim Final Rule Justification

EPA finds that there is good cause to issue this rule as an interim final rule, without having first proposed it. (The Agency notes, however that the Notice of Data Availability and the accompanying Supplemental Information Report did provide substantial notice to affected parties of, and an opportunity to comment on, the types of action the Agency is taking here, and specifically put persons on notice that there might not be any further opportunity for public comment before the Agency took final action. Thus, it is not clear that EPA is required to invoke the good cause exception to the Administrative Procedure Act's notice and comment requirements. (5 U.S.C. 553 (b)(3)(B).) Because the treatment standards for certain ignitable and corrosive wastes were vacated, once the courts mandate issues, a situation will exist whereby those wastes cannot be land disposed (except in no-migration units) unless EPA repromulgates a treatment standard. This creates a *bona fide* emergency, because without a legal means to dispose of wastes, production would have to stop. It is impractical to follow notice and comment rulemaking procedures in time to avoid this result, and thus the good cause exemption is justified. 5 U.S.C. 553(b)(3)(B).

It has been argued that EPA could stay the prohibition to prevent this situation from arising. The Agency disagrees. In the first place, EPA believes that the prohibition that is operating is not merely regulatory but statutory as well, since it involves wastes that were covered (for this purpose) by RCRA section 3004(g)(5) and the absolute prohibition (generally termed the hard hammer) in RCRA 3004(g)(6)(C).[5] See 976 F. 2d at 18–19 ("[Congress] has chosen to enforce [the statutory deadlines] by decreeing that any hazardous waste that is not covered by a *valid* regulation within the date specified will be denied land disposal" (emphasis added).) Second, even without invoking the hard hammer, EPA does not believe the statute allows a situation whereby a prohibition date has passed, and wastes covered by that prohibition can be land disposed without treatment (unless, of course, the wastes are subject to some type of capacity variance or are being disposed in a no-migration unit). Yet this is the necessary consequence of arguing that EPA may permissibly stay a prohibition once the prohibition date has passed. Consequently, it is the Agency's view that unless it issues treatment standards to replace those vacated by the court, there would be an absolute prohibition of land disposal of the affected wastes, and that in light of this, there is good cause to issue the present interim final rule restoring treatment standards for those wastes.[6]

List of Subjects

40 CFR Part 264

Hazardous waste, Packaging and containers, Reporting and recordkeeping requirements.

40 CFR Part 265

Hazardous waste, Packaging and containers.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 270

Administrative practice and procedure, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 271

Administrative practice and procedure, Hazardous materials transportation, Hazardous waste, Penalties, Reporting and recordkeeping requirements.

Dated: May 10, 1993.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

[5] For reasons discussed below in the preamble text, the Agency reads the hard hammer as applying to characteristic as well as listed wastes. This has been the Agency's position on the issue, see, e.g., 56 FR at 41185 (Aug. 19, 1991), and reflects Congressional intent. H. Rep. No. 1133, 98th Cong. 2d Sess. at 88 (Conference Report). The Agency is aware of arguments that the hard hammer provision need not apply here, either because the Agency has already met its obligations by issuing rules for characteristic wastes, or because the hard hammer can be read as not applying to characteristic wastes. The Agency does not find these arguments persuasive. In the end, there is no reason that prohibitions should operate differently for characteristic and listed wastes. Furthermore, the necessary consequence of these arguments is that characteristic wastes could be disposed for a relatively indefinite period without having to be treated to satisfy the RCRA 3004(m) standard, even though the section 3004(g)(5) prohibition date has passed. The Agency does not believe that the statute can reasonably be interpreted to give this result.

[6] At the least, this is a permissible interpretation of the land disposal statutory provisions, which in essence command that prohibited wastes be pretreated before land disposal, and make this a paramount statutory objective (RCRA sections 1002(b)(7) and 1003(a)(6)).

PART 264—STANDARDS FOR OWNER AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.1, paragraph (g)(6) is revised to read as follows:

§ 264.1 Purpose, scope and applicability.

* * * * * *

(g) * * *

(6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in § 260.10 of this chapter, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in § 268.42, Table 2, of this chapter), or corrosive (D002) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in § 264.17(b) of this part.

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

4. Section 265.1, paragraph (c)(10) is revised to read as follows:

§ 265.1 Purpose, scope and applicability.

* * * * * *

(c) * * *

(10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in § 260.10 of this chapter, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in § 268.42, Table 2, of this chapter), or corrosive (D002) waste, in order to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in § 265.17(b).

* * * * *

PART 268—LAND DISPOSAL RESTRICTIONS

5. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

6. In § 268.1, paragraphs (e) (4) and (5) are added to read as follows:

§ 268.1 Purpose, scope /and applicability.

* * * * *

(e) * * *

(4) *De minimis* losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001), or corrosive (D002), and that contain underlying hazardous constituents as defined in § 268.2 of this part, are not considered to be prohibited wastes. *De minimis* is defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges.

(5) Land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability (D001) or corrosivity (D002), that are commingled with other plant wastewaters under designated circumstances: ignitable and corrosive laboratory wastes containing underlying hazardous constituents from laboratory operations, that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities which have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headwork does not exceed one percent, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork.

7. In § 268.2, paragraph (i) is added to read as follows:

§ 268.2 Definitions applicable in this part.

* * * * *

(i) *Underlying hazardous constituent* means any regulated constituent present at levels above the F039 constituent-specific treatment standard at the point of generation of the hazardous waste.

8. In § 268.7, the introductory text of paragraph (a), and paragraphs (a)(1)(ii) and (b)(4)(ii) are revised to read as follows:

§ 268.7 Waste analysis and recordkeeping.

(a) Except as specified in § 268.32 if a generator's waste is listed in 40 CFR part 261, subpart D, the generator must test his waste, or test an extract using the test method described in part 261, appendix II of this chapter, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this part. Except as specified in § 268.32, if a generator's waste exhibits one or more of the characteristics set out at 40 CFR part 261, subpart C of this chapter, the generator must test an extract using the test method described in appendix IX of this part, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this part. If the generator determines that his waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGS of § 268.42, Table 1), or the characteristic of corrosivity (D002), and is prohibited under § 268.37, the generator must determine what underlying hazardous constituents (as defined in § 268.2 of this part), are reasonably expected to be present in the D001 or D002 waste.

(1) * * *

(ii) The corresponding treatment standards for wastes F001–F005, F039, wastes prohibited pursuant to § 268.32 or RCRA section 3004(d), and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under § 268.37 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in § 268.2(f)) or nonwastewater (as defined in § 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in § 268.42, the applicable five-letter treatment code found in Table 1 of § 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

* * * * *

(b) * * *

(4) * * *

(ii) The corresponding treatment standards for wastes F001–F005, F039, wastes prohibited pursuant to § 268.32 or RCRA section 3004(d), and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under § 268.37 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in § 268.2(f)) or nonwastewater (as defined in § 268.2(d))

category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in § 268.42, the applicable five-letter treatment code found in Table 1 of § 268.42 (e.g., INCIN, WETOX) also must be included on the notification.

* * * * *

9. In § 268.9, paragraph (a) is revised to read as follows:

§ 268.9 Special rules regarding wastes that exhibit a characteristic.

(a) The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under subpart D of this part. For purposes of part 268, the waste will carry the waste code for any applicable listing under 40 CFR part 261, subpart D. In addition, the waste will carry one or more of the waste codes under 40 CFR part 261, subpart C, where the waste exhibits a characteristic, except in the case when the treatment standard for the waste code listed in 40 CFR part 261, subpart D operates in lieu of the standard for the waste code under 40 CFR part 261, subpart C, as specified in paragraph (b) of this section. If the generator determines that his waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGS of § 268.42, Table 1), or the characteristic of corrosivity (D002), and is prohibited under § 268.37 of this Part, the generator must determine what underlying hazardous constituents (as defined in § 268.2 of this Part), are reasonably expected to be present in the D001 or D002 waste.

* * * * *

10. Section 268.37 is added to read as follows:

§ 268.37 Waste specific prohibitions—ignitable and corrosive characteristic wastes whose treatment standards were vacated.

(a) Effective August 8, 1993, the wastes specified in 40 CFR 261.21 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in § 261.22 as D002, that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or greater than these technologies.

(b) Effective February 10, 1994, the wastes specified in 40 CFR 261.21 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in § 261.22 as D002, that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells, that do not engage in CWA-equivalent treatment before injection, are prohibited from land disposal.

11. In § 268.40, paragraph (b) is revised to read as follows:

§ 268.40 Applicability of treatment standards.

* * * * *

(b) A restricted waste for which a treatment technology is specified under § 268.42(a), or hazardous debris for which a treatment technology is specified under § 268.45, may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Administrator under the procedures set forth in § 268.42(b). For waste displaying the characteristic of ignitability (D001) and reactivity (D003), that are diluted to meet the deactivation treatment standard in § 268.42(a) Tables 1 and 2 (DEACT), the treater must comply with the precautionary measures specified in 40 CFR 264.17(b) and 265.17(b) of this chapter.

* * * * *

12. In § 268.41(a), Table CCWE, the entry for F039 is amended by revising the "Waste code" and the "See also" columns to read as follows:

§ 268.41 Treatment standards expressed as concentrations in waste extract.

(a) * * *

268.41 TABLE CCWE.—CONSTITUENT CONCENTRATIONS IN WASTE EXTRACT

Waste code	Commercial chemical name	See also	Regulated hazardous constituent	CAS No. for regulated hazardous constituent	Wastewaters		Nonwastewaters	
					Concentration (mg/l)	Notes	Concentration (mg/l)	Notes
•	•	•	•	•	•		•	•
F039 (and D001 and D002 wastes prohibited under § 268.37).	• • •	Table 2 in 268.42, and Table CCW in 268.43.	• • •	• • •	• • •	• • •	• • •	• • •
•	•	•	•	•	•		•	•

* * * * *

13. In § 268.42(a) the entries for D001 and D002 in Table 2 are revised to read as follows:

§ 268.42 Treatment standards expressed as specified technologies.

(a) * * *

268.42 TABLE 2.—TECHNOLOGY-BASED STANDARDS BY RCRA WASTE CODE

Waste code	See also	Waste descriptions and/or treatment subcategory	CAS No. for regulated hazardous constituent	Technology code	
				Wastewaters	Nonwastewaters
D001 ..	Table CCWE in 268.41 and Table CCW in 268.43.	All descriptions based on 40 CFR 261.21, except for the § 261.21(a)(1) High TOC subcategory, managed in non-CWA/non-CWA-equivalent/non-Class I SDWA systems.	NA	DEACT, and meet F039; or FSUBS; RORGS; or INCIN.	DEACT, and meet F039; or FSUBS; RORGS; or INCIN.
D001 ..	NA	All descriptions based on 40 CFR 261.21, except for the § 261.21(a)(1) High TOC subcategory, managed in CWA, CWA-equivalent, or Class I SDWA systems.	NA	DEACT	DEACT.
D001 ..	NA	All descriptions based on 40 CFR 261.21(a)(1)—High TOC Ignitable Liquids Subcategory—Greater than or equal to 10% total organic carbon.	NA	NA	FSUBS; RORGS; or INCIN.
D002 ..	Table CCWE in 268.41 and Table CCW in 268.43.	Acid, alkaline, and other subcategory based on 261.22 managed in non-CWA/non-CWA-equivalent/non-Class I SDWA systems.	NA	DEACT and meet F039.	DEACT and meet F039.
D002 ..	NA	Acid, alkaline, and other subcategory based on 261.22 managed in CWA, CWA-equivalent, or Class I SDWA systems.	NA	DEACT	DEACT.
•	•	•	•	•	•	•

Note: NA means Not Applicable.

• • • • •

14. In § 268.43(a), Table CCW, the entry for F039 is amended by revising the "Waste code" and the "See also" columns to read as follows:

§ 268.43 Treatment standards expressed as waste concentrations.

(a) * * *

268.43 TABLE CCW.—CONSTITUENT CONCENTRATIONS IN WASTES

Waste code	Commercial chemical name	See also	Regulated hazardous constituent	CAS No. for regulated hazardous constituent	Wastewaters		Nonwastewaters	
					Concentration (mg/l)	Notes	Concentration (mg/l)	Notes
•	•	•	•	•	•		•	•
F039 (and D001 and D002 wastes prohibited under § 268.37).	• • •	Table 2 in 268.42, and Table CCWE in 268.41.	• • •	• • •	• • •	• • •	• • •	• • •
•	•	•	•	•	•		•	•

• • • • •

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

15. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

16. In § 270.42, Appendix I is amended by redesignating item B(1)(c) as B(1)(d), removing the second item B(1)(b), and adding item B(1)(c) to read as follows:

Appendix I to Section 270.42—Classification of Permit Modifications

Modifications	Class
• • • • •	
B. General Facility Standards:	
1. * * *	
c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes	[1] 1
• • • • •	

[1] Class 1 Modifications requiring prior Agency approval.

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

17. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

Subpart A—Requirements for Final Authorization

18. Section 271.1(j) is amended by adding the following entries in chronological order to Table 1 and Table 2:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
•	•	•	•
May 24, 1993.	Land disposal restrictions for characteristic wastes whose treatment standards were vacated.	[Insert Federal Register page numbers]	August 9, 1993.
•	•	•	•

TABLE 2.—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date	Self-implementing provision	RCRA citation	Federal Register reference
•	•	•	•
August 9, 1993.	Prohibition on land disposal of characteristic wastes whose treatment standards were vacated.	3004(g)(6)(c)	May 24, 1993 [insert FR page numbers].
•	•	•	•

[FR Doc. 93–11877 Filed 5–21–93; 8:45 am]

BILLING CODE [illegible]

federal register

Monday
May 24, 1993

Part III

Department of Transportation

Coast Guard

46 CFR Part 30 et al.
Bulk Hazardous Materials; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 30, 40, 98, 147, 150, 151, and 153

[CGD 92–100]

RIN 2115–AC35

Bulk Hazardous Materials

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations on carriage of bulk hazardous materials by adding cargoes recently authorized for carriage by the Coast Guard or added to the International Maritime Organization's (IMO) Chemical Codes and by making minor technical and editorial changes and corrections. This action would update the bulk hazardous materials tables and better inform persons shipping a bulk hazardous material of that material's compatibility and special handling requirements.

DATES: Comments must be received on or before July 8, 1993.

ADDRESSES: Comments may be mailed to Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 92–100), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis G. Payne, Hazardous Materials Branch, (202) 267–1577.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this proposed rulemaking by submitting written data, views, or arguments. Persons submitting comments, should include their names and addresses, identify this rulemaking (CGD 92–100) and the specific section of the proposal to which each comment applies, and give the reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **"ADDRESSES."** If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this document are Mr. Curtis G. Payne, Project Manager, and Ms. Helen G. Boutrous, Project Counsel, Office of Chief Counsel.

Related Rulemaking

Elsewhere in this edition of the **Federal Register**, the Coast Guard is publishing proposed amendments to its noxious liquid substances lists in 33 CFR 151.47 and 151.49 (Coast Guard docket CGD 92–100a). When appropriate, changes proposed in the present rulemaking are also proposed for 33 CFR 151.47 and 151.49.

Background and Purpose

This rulemaking is administrative in nature and is proposing to update various Coast Guard hazardous materials tables in 46 CFR parts 30, 150, 151, and 153 to include new chemicals and requirements authorized or soon to be authorized by Coast Guard regulations or international law. This rulemaking would also make other non-substantive editorial changes and corrections.

Discussion of Proposed Amendments

A number of new cargo entries would be added to table 30.25–1, table 151.05, tables I and II and appendix I of part 150, and tables 1 and 2 of part 153, as appropriate. These include cargoes recently authorized by the Coast Guard and cargoes to be included in the IMO Chemical Codes. Also, the name of several existing entries in the various tables would be modified, or their Pollution Category (Pol. Cat.) would be modified or corrected.

In general, the objectives of this rulemaking are as follows:

(a) Table 30.25–1 in part 30, table 151.05 in part 151, and tables 1 and 2 in part 153 would be amended, where applicable by adding—

(1) Cargoes recently authorized for carriage by Coast Guard regulations;

(2) Cargoes included in the IMO Chemical Codes ("International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" (IBC Code), and "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" (BCH Code)), but not yet included in Coast Guard regulations. These include new entries approved at BCH 19 (September 11–15, 1989), BCH 20 (October 1–5, 1990), BCH 21 (September 9–13, 1991) and BCH 22 (September 7–11, 1992);

(3) Lube Oil Additives (LOAs); and

(4) Noxious liquid substances (NLSs).

(b) Revise the various tables to reflect the revisions that IMO has made to a number of Pol. Cat. entries.

As a result of the changes to the Pol. Cat. for a number of entries, changes to their carriage requirements would also be made where applicable. Also, changes of the Pol. Cat. of several entries from a higher to a lower Pol. Cat. or from a lower to a higher Pol. Cat. would result in their being deleted from one table and added to another table in the regulations.

Changes of the Pol. Cat. of an entry from a lower to higher Pol. Cat., and any resulting changes to their carriage requirements are considered an "upgrade." These are not addressed in this rulemaking. However, for informational purposes, such "upgrades" as are currently known are listed in appendix I to this NPRM. These, and any future "upgrades", will be proposed in a future rulemaking for inclusion in the various Coast Guard tables and lists to coincide with IMO's publication of the amendments to its Codes.

"Upgrades" to current entries in the various tables, that is, increased carriage requirements or revised, higher Pol. Cat.'s, or both will be incorporated into the Coast Guard's regulations by future rulemaking projects. The effective dates for these rulemakings will correspond to those dates set by the IMO for their amendment process. Provisional Pol. Cat.'s are indicated in the various tables by brackets "[ ]". These provisional categories are assigned by IMO when further data are necessary to complete the evaluation of pollution hazards. Until the hazard evaluation is completed, the pollution category assigned is used. Thus, the Coast Guard does not consider a change in Pol. Cat. from a provisional, i.e., one having square brackets "[ ]" around it, to a final Pol. Cat. as an "upgrade" or "downgrade". It is considered a final assignment and takes effect immediately

upon IMO's removal of the provisional status.

(c) Names for certain current entries would be modified as part of the Coast Guard's continuing program of adopting IMO terminology where applicable, and aligning usage throughout Coast Guard regulations, and cross references would be added to some existing names.

The IMO has adopted the symbol "+" to stand for "and above"; for example, the old entry name "alcohols (C13 and above)" would be renamed "alcohols (C13+)"; another example is "fatty acids (saturated, C13 and above)" which would be renamed "fatty acids (saturated, C13+)".

(d) Four entries would be renamed in the tables. They are:

Current	Proposed
Hydrofluorosilicic acid (25% or less).	Fluorosilicic acid (30% or less).
o-Nitrochlorobenzene	o-Chloronitrobenzene.
Sodium acetate, Glycol, Water solutions.	Sodium acetate, Glycol, Water mixture (1% or less sodium hydroxide).
2,2,4-Trimethyl-3-pentanol-1-isobutyrate.	2,2,4-Trimethyl-1,3-pentanediol-1-isobutyrate.

When the Coast Guard originally evaluated and classified hydrofluorosilicic acid (25% or less) for bulk carriage by tankbarge, the name used was similar to that found in Hazardous Materials Table 171.101 (49 CFR 171.101). The intent was to use an existing regulatory name known and used by the U.S. chemical and transportation industries. The Research and Special Programs Administration (RSPA), DOT, published a final rule in the **Federal Register** at 55 FR 52402 (December 21, 1990) that changed the name of the entry hydrofluorosilicic acid in table 172.101 (49 CFR 172.101), to read fluorosilicic acid. Subsequently, this commodity was also submitted to the IMO for carriage by tank vessels and added to the IMO Chemical Codes as fluorosilicic acid (30% or less). This NPRM proposes to make this same name change in the Coast Guard regulations and to increase the concentration permitted to be carried from 25% to 30% (by weight).

When the Coast Guard originally evaluated and classified o-nitrochlorobenzene for bulk carriage, the name used was that found in Hazardous Materials Table 172.101 (49 CFR 172.101). The intent was to use an existing regulatory name known and used by the U.S. chemical and transportation industries. Subsequently, this commodity was submitted to the IMO by the Coast Guard and added to the IMO Chemical Codes as o-chloronitrobenzene, the more chemically correct name. RSPA published a final rule in the **Federal Register** at 55 FR 52402 (December 21, 1990) that corrected the entry o-nitrochlorobenzene in table 172.101 (49 CFR 172.101), to read o-chloronitrobenzene. This NPRM proposes to make this same correction in the Coast Guard regulations.

The name sodium acetate, glycol, water mixture (1% or less sodium hydroxide) more accurately reflects the composition of this mixture than the name sodium acetate, glycol, water solutions currently in the regulations. This change is proposed for Coast Guard regulations.

The entry 2,2,4-trimethyl-3-pentanol-1-isobutyrate was originally entered in Coast Guard tables using the name as given in the request for its evaluation and classification. Some time later it was determined that 2,2,4-trimethyl-3-pentanol-1-isobutyrate was a typographical error and that the entry should read 2,2,4-trimethyl-1,3-pentanediol-1-isobutyrate. This would be corrected in Coast Guard regulations.

(e) The IMO has deleted the entry calcium naphthenate in mineral oil, as production of this product has been discontinued. This entry would be deleted from Coast Guard tables as well.

(f) The IMO has identified two entries proposed for inclusion in the Codes, "alkylbenzene/indane/indene (C12–C15) mixture" and "alkylbenzene/indane/indene (C15–C17), olefin (C12–C20) mixture", as being the same product; their compositions had been analyzed by different laboratory methods. The revised entry has been named "alkylbenzene/-indane/-indene (C12–C17 total carbon)" and would appear in Coast Guard regulations as such.

(g) The Coast Guard has been informed that two entries in its various tables, ethyl hexyl tallate, and naphtha, cracking fraction, are no longer, or never became bulk cargoes. These would be deleted from the tables. In addition, two other entries in Coast Guard tables, epoxylated linear alcohols, C11–C15, and grease would be deleted. The entry epoxylated linear alcohols, C11–C15 is covered by the various alcohol polyethoxylate entries in the tables. The entry grease is undefined as to petroleum or animal origin, thus causing confusion. However, it is covered under other entries in the tables regardless of origin.

(h) The Compatibility of Cargoes tables in part 150 would be amended to include chemicals added under this rulemaking to the hazardous materials tables in parts 30, 151, and 153. The Chemical Hazard Response Information System (CHRIS) Code of several entries would be adjusted to reflect a new or changed CHRIS Code, several current cargo names modified or corrected, a number of entries cross-referenced to other entries, and obsolete entries deleted.

In addition to the above—

(1) The Coast Guard would prohibit the stowage of acrylonitrile, as well as other similar commodities, adjacent to caustic commodities in appendix I (h) of 46 CFR part 150, the list of binary combinations that have been determined to be dangerously reactive. This action is the result of a laboratory report indicating that a potentially hazardous, delayed reaction between these two commodities may occur which generates large amounts of heat if the mixture is vigorously stirred. This potential hazard had not previously been identified.

(2) The entry hexaethylene glycol, originally assigned to Group 20 (Alcohols, Glycols) would be reassigned to Group 40 (Glycol Ethers). This would correct an error in the compatibility assignment of this commodity.

(i) In table 151.05 the two entries "iso-Butyraldehyde" and "n-Butyraldehyde" would be combined into a single new entry "Butyraldehyde (all isomers)"; the entry "Carbon dioxide, liquid" would have its name revised to read "Carbon dioxide, *liquefied*" to correspond with other similarly named entries; the entry "Phosphorous, elemental" would have its name revised to read "Phosphorous, white (*elemental*)" a more correctly identified entry name; the entry sodium aluminate solution would be modified by adding "(45% or less)" as originally classified thus correcting an oversight; and the entry sodium hypochlorite solution (15% or less) would have the concentration permitted to be carried increased to 20% as a result of its having been reclassified for carriage by barge. (However, this has no bearing upon the tank ship entry in table 1 of 46 CFR part 153.)

(j) The protective clothing special requirement would be added to two entries in table 151.05 (motor fuel antiknock compounds (containing lead alkyls) and sodium chlorate solution (50% or less)), and six entries in table 1 of part 153 (acrylic acid, o-chloronitrobenzene, 2,2-dichloropropionic acid, sodium hypochlorite solution (15% or less), 1,1,2-trichloroethane, and 1,2,3-trichloropropane). These cargoes present serious corrosive or skin absorption hazards for which protective clothing is needed to prevent skin

contact during work activities. These changes would be consistent with the requirements for protective clothing in parts 151 and 153.

(k) A modified header for table 1, part 153 is proposed. Corresponding modifications within the table (renumbering of the references to individual footnotes), as well as a realignment of the footnotes at the end of the table are also proposed. Generally, the modifications consist of consolidating related footnotes into a single footnote while retaining the intent of the original footnotes. This would result in fewer footnotes.

(l) In table 1, part 153 the entry ammonium sulfide solution (45% or less) would have special requirement § 153.372 removed.

After consultation with the manufacturer and submission of new vapor pressure data showing values below that specified in § 153.372, that is 100 kPa, or approximately 14.7 psia, it was determined that this requirement is not needed for this commodity. The Coast Guard submitted this new data to the IMO which has removed its high vapor pressure requirement from its special requirements for this commodity. This rulemaking would remove it from Coast Guard tables.

(m) The regulations in 46 CFR 153.9(a) contain the basic requirements for a foreign vessel with an IMO Certificate of Fitness (COF) to obtain a Certificate of Compliance. Footnote 2 to part 153.9(a) indicates that a foreign vessel must comply with 46 CFR part 153 if its requirements exceed those of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) or the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code). However, for a vessel with a COF, compliance with either the BCH Code or the IBC Code will satisfy the requirements of 46 CFR part 153 with the exception of the requirements of part 153 subpart C (Operations) and as provided in § 153.9(a). Therefore, because footnote 2 is misleading and contains unnecessary information, the Coast Guard proposes to delete footnote 2 of § 153.9.

(n) Corrections of numerous references in part 40.

(o) Other minor corrections or modifications as required.

New entries to the various tables are indicated by a plus sign, "+", preceding the name; changes to existing entries are indicated by a bullet, "•", preceding the name and in boldface type within the table where possible.

The table below lists all changes to existing entries with a brief explanation where helpful.

Cargo Name		Pollution Category		Comments
Current	Proposed	Current	Proposed	
Acrylic acid	No change	No change	No change	46 CFR 153, Table 1: Protective clothing requirement added.
Acrylonitrile-Styrene copolymer dispersion in Polyether polyol.	No change	[D]	D	
Alcohol(C12-C15) poly(1-3)ethoxylates.	Alcohol(C12-C15) poly(1-6)ethoxylates.	No change	No change	
Alcohol(C12-C15) poly(3-11)ethoxylates.	Alcohol(C12-C15) poly(7-19)ethoxylates.	A	B	46 CFR 153, Table 1: Type II to III Cargo containment system; additional requirements.
Alcohols (C13 and above)	Alcohols (C13+)	D	III	
Alkyl(C9-C17) benzenes	Alkyl(C9+)benzenes	D	III	
Ammonium hydrogen phosphate solution.	No change	[III]	D	
Ammonium polyphosphate solution	No change	•D	D	
Ammonium sulfide solution(45 % or less).	No change	No change	No change	46 CFR 153, Table 1: Delete Special requirement .372.
Amyl acetate (iso-, n-)	Amyl acetate (all isomers)	No change	No change	46 CFR 30, Table 30.25-1.
(commercial, iso-, n-, sec-) Amyl acetate.	Amyl acetate (all isomers)	No change	No change	46 CFR 153, Table 1.
Benzene hydrocarbon mixtures (having 10% Benzene or more).	No change	No change	No change	46 CFR 153, Table 1: Footnote.
Benzene, Toluene, Xylene mixtures (having 10% Benzene or more).	No change	No change	No change	46 CFR 153, Table 1: Footnote.
Butyl acetate (iso-, n-)	(iso-, n-) Butyl acetate	No change	No change	46 CFR 30, Table 30.25-1.
Butyl acetate (sec-)	sec-Butyl acetate	No change	No change	46 CFR 30, Table 30.25-1.
(n-, crude) Butyraldehyde	1. (crude) Butyraldehyde	B	#	46 CFR 153, Table 1.
	2. Butyraldehyde (all isomers)	B	C	
Iso-Butyraldehyde	Butyraldehyde (all isomers)	No change	No change	
n-Butyraldehyde	Butyraldehyde (all isomers)	Not applicable	Not applicable	46 CFR 151, Table 151.05.
Butyrolactone (gamma)	gamma-Butyrolactone	No change	No change	46 CFR 30, Table 30.25-1.
Calcium alkyl salicylate	Calcium long chain alkyl salicylate (C13+).	No change	No change	
Calcium naphthenate in Mineral oil				46 CFR 153, Table 1: To be deleted, product no longer produced.
Carbon dioxide, liquid	Carbon dioxide, *liquefied*	Not applicable	Not applicable	46 CFR 151, Table 151.05.
Chlorobenzene	No change	No change	No change	46 CFR 153, Table 1: Type II to III Cargo containment system.
4-Chloro-2-methylphenoxyacetic acid, dimethylamine salt solution.	No change	[C]	C	

Cargo Name		Pollution Category		Comments
Current	Proposed	Current	Proposed	
1,5,9-Cyclododecatriene	No change	[B]	A	46 CFR 153, Table 1: Type III to I Cargo containment system; additional requirement.
Cyclohexanol	No change	C	D	46 CFR 153, Table 1: Delete from table.
Cyclohexanone, Cyclohexanol mixture.	No change	[C]	D	
Cymene (para-)	p-Cymene	No change	No change	46 CFR 30, Table 30.25-1.
Decaldehyde (iso-)	iso-Decaldehyde	No change	No change	46 CFR 30, Table 30.25-1.
Decaldehyde (n-)	n-Decaldehyde	No change	No change	46 CFR 30, Table 30.25-1.
Dialkyl(C10-C14) benzenes	No change	[D]	D	
Dibutyl phthalate (ortho-)	*ortho*-Dibutyl phthalate	No change	No change	46 CFR 30, Table 30.25-1.
Dichlorobenzenes (all isomers)	Dichlorobenzene (all isomers)	No change	No change	46 CFR 153, Table 1.
1,1-Dichloroethane	No change	B	D	
1,1-, 1,2-, 1,3-Dichloropropane	1. 1,1-Dichloropropane	B	C	
	2. 1,2-Dichloropropane	B	C	
	3. 1,3-Dichloropropane	B	D	
2,2-Dichloropropionic acid	No change	No change	No change	46 CFR 153, Table 1: Protective clothing requirement added.
2,6-Diethylaniline	No change	[C]	C	
Diethylene glycol butyl ether acetate	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate.	No change	No change	
Diethylene glycol ethyl ether acetate	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate.	No change	No change	
Diethylene glycol methyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	C	D	46 CFR 153, Table 1: Delete from table.
Diethylene glycol methyl ether acetate.	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate.	No change	No change	
Diethylene glycol phthalate	No change	[D]	D	
Dimethyl hydrogen phosphite	No change	#	(B)	
Dimethyl polysiloxane	No change	[III]	III	
Dipropylene glycol methyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	No change	No change	
Dodecylamine, Tetradecylamine mixture.	No change	[C]	A	46 CFR 153, Table 1: Type III to II Cargo containment system and reduced requirements.
Drilling brine (containing Zinc salts) .	No change	A	B	46 CFR 153, Table 1: Type II to III Cargo containment system.
Epoxylated linear alcohols, C11-C15				To be deleted from all tables.
Ethyl-3-ethoxypropionate	No change	[C]	C	
Ethyl hexyl tallate				To be deleted from all tables.
Fatty acid (saturated, C13 and above).	Fatty acid (saturated, C13+)	No change	No change	
Fish solubles (water based fishmeal extracts).	No change	[D]	III	
Grease				To be deleted from all tables.
Hydrofluorosilicic acid (25% or less)	Fluorosilicic acid (30% or less)	Not applicable	Not applicable	46 CFR 151, Table 151.05: Increase in concentration permitted to be carried; Protective clothing requirement added.
2-Hydroxy-4-(methylthio)butanoic acid.	No change	[C]	C	46 CFR 153, Table 1: Reduced requirements.
Magnesium nonyl phenol sulfide	Magnesium long chain alkyl phenate sulfide (C8-C20).	#	[D]	46 CFR 30, Table 30.25-1.
Magnesium sulfonate	Magnesium long chain alkaryl sulfonate (C11-C50).	#	D	46 CFR 30, Table 30.25-1.
Methacrylonitrile	No change	B	D	
Methyl amyl ketone	No change	C	D	46 CFR 153, Table 1; Delete from table.
Methyl diethanolamine	No change	[C]	D	46 CFR 153, Table 1: Reduced requirements.
2-Methyl-1-pentene	Hexene (all isomers)	No change	No change	46 CFR 153, Table 1.
4-Methyl-1-pentene	Hexene (all isomers)	[C]	C	46 CFR 153, Table 1.
Methyl pentene	Hexene (all isomers)	No change	No change	46 CFR 30, Table 30.25-1.
2-Methylpyridine	No change	B	D	
3-Methylpyridine	No change	[B]	C	
4-Methylpyridine	No change	B	D	
N-Methyl-2-pyrrolidone	No change	B	D	46 CFR 153, Table 1: Delete from table.
Motor fuel anti-knock compounds (containing lead alkyls).	No change	Not applicable	Not applicable	46 CFR 151, Table 151.05: Protective clothing requirement added.

Cargo Name		Pollution Category		Comments
Current	Proposed	Current	Proposed	
Myrcene	No change	[B]	D	46 CFR 153, Table 1: Delete from table.
Naphtha, cracking fraction				To be deleted from all tables.
o-Nitrochlorobenzene	o-Chloronitrobenzene	No change	No change	46 CFR 153, Table 1: Additional requirements.
Nonene	Nonene (all isomers)	No change	No change	
Nonyl alcohol (all isomers)	No change	[C]	C	46 CFR 30, Table 30.25-1.
Nonyl phenol sulfide (90% or less)	Alkyl phenol sulfide (C8-C40)	#	[D]	46 CFR 30, Table 30.25-1.
Oil, misc.: Soya bean (epoxidized)	No change	II	D	
Octyl nitrates (all isomers)	Alkyl(C7-C9) nitrates	A	B	
Palm kernel oil, fatty acid	Palm kernel acid oil	No change	No change	
Palm kernel oil, fatty acid methyl ester.	Palm kernel acid oil, methyl ester	[C]	[D]	46 CFR 153, Table 1: Delete from table.
n-Paraffins (C10-C20)	n-Alkanes (C10+)	No change	No change	
Phenol	No change	B	C	
Phosphorous, elemental	Phosphorous, white *(elemental)*	Not applicable	Not applicable	46 CFR 151, Table 151.05.
Pine oil	No change	[B]	C	
Polyalkyl(C18-C22) acrylate in Xylene.	No change	[C]	C	
Polyalkylene oxide polyol	No change	[C]	C	
Polyglycerol	No change	[III]	III	
Polyisobutylene	Poly(4+)isobutylene	[III]	III	
Poly(20)oxyethylene sorbitan monooleate.	No change	[B]	III	46 CFR 153, Table 1: Delete from table.
Polypropylene	Poly(5+)propylene	[III]	III	
Potassium oleate	No change	[D]	C	
Propionaldehyde	No change	D	C	
Propyl acetate (iso-)	iso-Propyl acetate	No change	No change	46 CFR 30, Table 30.25-1.
Propyl acetate (n-)	n-Propyl acetate	No change	No change	46 CFR 30, Table 30.25-1.
Propyl alcohol (iso-)	iso-Propyl alcohol	No change	No change	46 CFR 30, Table 30.25-1.
Propyl alcohol (n-)	n-Propyl alcohol	No change	No change	46 CFR 30, Table 30.25-1.
Propylbenzene (iso-)	iso-Propylbenzene	No change	No change	46 CFR 30, Table 30.25-1.
Propylbenzene (n-)	n-Propylbenzene	No change	No change	46 CFR 30, Table 30.25-1.
Propylene glycol ethyl ether	Propylene glycol monoalkyl ether	No change	No change	
Propylene glycol methyl ether	Propylene glycol monoalkyl ether	No -change	No change	
Sodium acetate solution	No change	[D]	D	
Sodium benzoate solution	Sodium benzoate solution	[D]	D	
Sodium aluminate solution	Sodium aluminate solution (45% or less).	Not applicable	Not applicable	46 CFR 151, Table 151.05.
Sodium chlorate solution (50% or less).	No change	Not applicable	Not applicable	46 CFR 151, Table 151.05: Protective clothing requirement added.
Sodium hydrogen sulfide (6% or less), Sodium carbonate (3% or less) solution.	No change	[C]	B	
Sodium hypochlorite solution (15% or less).	No change	No change	No change	46 CFR 153, Table 1: Protective clothing requirement added.
Sodium hypochlorite solution (15% or less).	Sodium hypochlorite solution (25% or less).	Not applicable	Not applicable	46 CFR 151, Table 151.05.
Sodium polyacrylate solution	Sodium poly(4+)acrylate solution	[III]	III	
Sodium sulfate solution	No change	[III]	III	
Tetradecylbenzene	No change	[C]	[D]	46 CFR 153, Table 1: Delete from table.
Triarylphosphate	Trilsopropylated phenyl phosphates	No change	No change	46 CFR 30, Table 30.25-1.
1,1,1-Trichloroethane	No change	B	C	
1,1,2-Trichloroethane	No change	B	C	46 CFR 153, Table 1: Additional requirement.
Trichloroethylene	No change	B	C	
1,2,3-Trichloropropane	No change	B	C	46 CFR 153, Table 1: Additional requirement.
Tridecylbenzene	No change	[C]	[D]	46 CFR 153, Table 1: Delete from table.
Triethylene glycol ethyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	No change	No change	
Triethylene glycol methyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	No change	No change	
Trimethylbenzenes (all isomers)	Trimethylbenzene (all isomers)	No change	No change	
2,2,4-Trimethylpentanediol-1,3-diisobutyrate.	2,2,4-Trimethyl-1,3-pentanediol diisobutyrate.	No change	No change	46 CFR 30, Table 30.25-1.
2,2,4-Trimethyl-3-pentanol-1-isobutyrate.	2,2,4-Trimethyl-1,3-pentanediol-1-isobutyrate.	No change	No change	46 CFR 30, Table 30.25-1.

Cargo Name		Pollution Category		Comments
Current	Proposed	Current	Proposed	
Tripropylene glycol methyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	No change	No change	
Undecyl alcohol	*1*-Undecyl alcohol	No change	No change	46 CFR 30, Table 30.25-1.
Undecylbenzene	No change	[C]	[D]	46 CFR 153, Table 1: Delete from table.
Vinylidene chloride	No change	B	D	
Waxes	No change	[D]	D	

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. This rulemaking is administrative in nature and would merely update chemical tables by adding cargoes recently authorized by the Coast Guard or added to the IMO Chemical Codes and by making other non–substantive editorial changes and corrections.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

This rulemaking is merely administrative in nature. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

This rulemaking is administrative in nature and would merely update chemical tables by adding cargoes recently authorized by the Coast Guard or added to the IMO Chemical Codes and by making other non-substantive editorial changes and corrections. Therefore this rulemaking has no federalism implications.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This rulemaking is merely an administrative update of tables listing chemicals already approved or soon to be approved under Coast Guard regulation or international law and clearly would have no impact on the environment. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "**ADDRESSES.**"

List of Subjects

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 40

Cargo vessels, Hazardous materials transportation, Marine safety, Occupational safety and health, Seamen, Vinyl chloride.

46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 147

Hazardous materials transportation, Labeling, Marine safety, Packaging and containers, Reporting and recordkeeping requirements.

46 CFR Part 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR parts 30, 40, 98, 147, 150, 151, and 153 as follows:

PART 30—GENERAL PROVISIONS

1. The authority citation for part 30 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. 1804; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507.

§ 30.25–1 [Amended]

2. In § 30.25-1, revise table 30.25–1 to read as follows:

* * * * *

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes

Cargoes	Pollution Category
Acetone	III
Acetophenone	[illegible]
Acetyl tributyl citrate	[illegible]
•Acrylonitrile-Styrene copolymer dispersion in Polyether polyol	[illegible]
•Alcohols (C13 and above), *see* **Alcohols (C13+)**	.....
+Alcohols (C13+)	III
Alcoholic beverages, n.o.s.	III
Alcohol(C6–C17)(secondary) poly(3-6)ethoxylates	[illegible]
Alcohol(C6–C17)(secondary) poly(7-12)ethoxylates	[illegible]
•Alcohol(C12–C15) poly(1-3)ethoxylates, *see* **Alcohol(C12–C15) poly(1-6)ethoxylates**	[illegible]
Alcohol(C12–C15) poly(3-11)ethoxylates, *see* **Alcohol(C12–C15) poly(1-6), *or* poly(7-19)ethoxylates**	A

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
+Alcohol(C12–C15) poly(1-6)ethoxylates	A
+Alcohol(C12–C15) poly(7-19)ethoxylates	B
+Alcohol(C12–C15) poly(20+)ethoxylates	C
+Iso- & cyclo-Alkanes (C10–C11)	D
+Iso- & cyclo-Alkanes (C12+)	III
+n-Alkanes (C10+)	III
+Alkaryl polyether (C9–C20)	B
+Alkenyl(C11+) amine	D
Alkenylsuccinic acid	#
Alkenylsuccinic anhydride	#
+Alkyl(C8)amine, Alkenyl (C12) acid ester mixture	D
•Alkyl(C9–C17) benzenes, *see* Alkyl(C9+)benzenes	III
+Alkyl(C9+)benzenes	III
Alkylbenzenesulfonic acid (4% or less)	#
+Alkyl dithiothiadiazole (C6–C24)	D
+Alkyl ester copolymer (C6–C18)	[D]
+Alkyl phenol sulfide (C8–C40)	[D]
•*Alkyl phthalates (n-), see individual phthalates*	
Alkyl succinate formaldehyde hydr- oxyamino' condensate (3.2% or less)	#
Aminoethyldiethanolamine, Amino- ethylethanolamine solution	III
•Amyl acetate (iso-, n-), *see* Amyl acetate (all isomers)	C
+Amyl acetate (all isomers)	C
Amyl alcohol (iso-, n-, sec-, primary)	D
Amyl alcohol (tert-)	III
Amylene, *see* Pentene (all isomers)	C
Amyl methyl ketone, *see* Methyl amyl ketone	C
Amyl tallate	#
+Animal and Fish oils, n.o.s. (*see also* Oil, edible, *or* Oil, misc.)	D
Including:	
Cod liver oil	
Lanolin	
Neatsfoot oil	
Pilchard oil	
Sperm oil	
+Animal and Fish acid oils and distillates, n.o.s.	D
Including:	
Animal acid oil	
Fish acid oil	
Lard acid oil	
Mixed acid oil	
Mixed general acid oil	
Mixed hard acid oil	
Mixed soft acid oil	
+Aryl polyolefin (C11–C50)	D
Asphalt	I
Asphalt blending stocks:	
Roofers flux	I
Straight run residue	I

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
+Barium long chain alkaryl sulfonate (C11–C50)	[B]
+Barium long chain alkyl(C8–C14)phenate sulfide	[A]
Behenyl alcohol	III
Benzene tricarboxylic acid trioctyl ester	III
Benzyl alcohol	C
Bicyclic terpenel polyamine amide salt	#
Brake fluid base mixtures *(containing Poly(2-8)alkylene(C2–C3) glycols, Polyalkylene(C2–C10) glycol monoalkyl(C1–C4) ethers, and their borate esters)*	D
Butane	LFG
Butene, see Butylene.	
Butene oligomer	D
•(iso-, n-) Butyl acetate	C
•sec-Butyl acetate	D
Butyl alcohol (iso-, n-, sec-, tert-)	III
Butyl benzyl phthalate	A
Butylene	LFG
Butylene glycol	D
•*1,3-Butylene glycol, see* Butylene glycol	
Butylene polyglycol, *see* Butylene glycol	⊛D
Iso-Butyl formate	D
n-Butyl formate	⊛D
Butyl heptyl ketone	[C]
•*Butyl methyl ketone, see* Methyl butyl ketone	
Butyl stearate	III
Butyl toluene	⊛A
•gamma-Butyrolactone	D
Calcium alkylphenate	#
+Calcium alkyl(C9)phenol sulfide, polyolefin phosphorosulfide mixture	A
Calcium alkyl salicylate, *see* Calcium long chain alkyl salicylate (C13+)	C
Calcium amino nonyl phenolate	#
Calcium carboxylate	#
+Calcium long chain alkaryl sulfonate (C11–C50)	D
+Calcium long chain alkyl phenate (C8–C40)	[D]
+Calcium long chain alkyl phenate sulfide (C8–C40)	D
+Calcium long chain alkyl salicylate (C13+)	C
+Calcium long chain phenolic amine (C8–C40)	III
Caprolactam solutions	D
•Carbon black base *(printing ink base material)*	#
•*Cetyl alcohol (hexadecanol), see* Alcohols (C13+)	
Cetyl-Stearyl alcohol	III
Cleaning spirit (unleaded)	#
†Coal tar	A
•Cumene (*see also* Isopropylbenzene)	B
Cycloaliphatic resins	#
Cyclohexane	C

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
•Cyclohexanol	D
1,3-Cyclopentadiene dimer (molten)	B
•*Cyclopentadiene polymers, see* 1,3-Cyclopentadiene dimer (molten)	
•p-Cymene	C
Decahydronaphthalene	D
•iso-Decaldehyde	⊛C
•n-Decaldehyde	⊛B
•Decane, *see* n-Alkanes (C10+)	III
Decene	B
+Decyl acetate	B
Decyl alcohol (all isomers)	B
Decylbenzene (n-)	D
Detergent alkylate	D
Diacetone alcohol	D
Dialkyl(C10–C14) benzenes	[D]
Dialkyl(C7–C13) phthalates	D
•Dibutyl carbinol, *see* Nonyl alcohol (all isomers)	[C]
•ortho-Dibutyl phthalate	A
Dicyclopentadiene, *see* 1,3-Cyclopentadiene dimer (molten)	B
Diethylbenzene	C
Diethylene glycol	III
Diethylene glycol butyl ether	III
Diethylene glycol butyl ether acetate	D
Diethylene glycol dibutyl ether	D
Diethylene glycol diethyl ether	III
Diethylene glycol ethyl ether	III
•Diethylene glycol ethyl ether acetate, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether acetate	D
+Diethylene glycol *n*-hexyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	D
•Diethylene glycol methyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	C
•Diethylene glycol methyl ether acetate, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether acetate	D
Diethylene glycol phenyl ether	#
•Diethylene glycol phthalate	D
+Diethylene glycol propyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	D
Di-(2-ethylhexyl)adipate	D
•Di-(2-ethylhexyl)phthalate, *see* Dialkyl(C7–C13) phthalates	D
Diethyl phthalate	C
Diglycidyl ether of Bisphenol A	B
Diheptyl phthalate	III
Dihexyl phthalate	III
•Diisobutylcarbinol, *see* Nonyl alcohol (all isomers)	[C]
Diisobutylene	B
Diisobutyl ketone	D
Diisobutyl phthalate	B

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
•Diisodecyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	D
Diisononyl adipate	D
•Diisononyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	D
Diisooctyl phthalate	III
Diisopropylbenzene (*all isomers*)	A
Diisopropyl naphthalene	D
Dimethyl adipate	B
•*Dimethylbenzene*, *see* Xylenes	.....
Dimethyl glutarate	C
Dimethyl phthalate	C
•Dimethyl polysiloxane	III
2,2-Dimethylpropane-1,3-diol	D
Dimethyl succinate	C
•Dinonyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	D
Di(octylphenyl)amine	II
Dioctyl phthalate	III
Dipentene	C
Diphenyl	A
Diphenyl, Diphenyl ether mixture	A
Diphenyl ether	A
Diphenyl ether, Biphenyl phenyl ether mixtures	A
Dipropylene glycol	III
+Dipropylene glycol butyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	D
Dipropylene glycol dibenzoate	[D]
•Dipropylene glycol methyl ether, *see* **Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether**	D
Distillates:	
Flashed feed stocks	I
Straight run	I
•Ditridecyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	D
•Diundecyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	D
Dodecane (all isomers)	III
Dodecanol	B
Dodecene (all isomers)	B
+Dodecyl alcohol, *see* Dodecanol	B
Dodecylbenzene	III
Dodecyl phenol	A
+Dodecyl xylene	III
Drilling mud (low toxicity) *(if flammable or combustible)*	[III]
Ethane	LFG
2-Ethoxyethanol	D
2-Ethoxyethyl acetate	C
•*Ethoxylated alcohols, C11-C15, see the alcohol polyethoxylates*	.....
Ethoxy triglycol *(crude)*	D
Ethyl acetate	D
Ethyl acetoacetate	D
Ethyl alcohol	III
Ethyl amyl ketone	C
Ethylbenzene	C
Ethyl butanol	●D
Ethyl butyrate	C
Ethyl cyclohexane	C

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
Ethylene	LFG
Ethylene carbonate	III
Ethylene glycol	D
Ethylene glycol acetate	D
Ethylene glycol butyl ether	III
Ethylene glycol butyl ether acetate	C
Ethylene glycol tert-butyl ether	III
Ethylene glycol diacetate	C
Ethylene glycol dibutyl ether	[D]
Ethylene glycol ethyl ether, *see* 2-Ethoxyethanol	D
Ethylene glycol ethyl ether acetate, *see* 2-Ethoxyethyl acetate	C
Ethylene glycol isopropyl ether	D
Ethylene glycol methyl butyl ether	D
Ethylene glycol methyl ether	D
Ethylene glycol methyl ether acetate	D
Ethylene glycol phenyl ether	D
Ethylene glycol phenyl ether, Diethylene glycol phenyl ether mixture	D
Ethylene-Propylene copolymer *(in liquid mixtures)*	[III]
Ethyl-3-ethoxypropionate	[C]
•*2-Ethylhexaldehyde, see* Octyl aldehydes	.....
•2-Ethylhexanoic acid, *see* **Octanoic acid (all isomers)**	D
2-Ethylhexanol, *see* Octanol (all isomers)	●C
•*Ethylhexoic acid, see* 2-Ethylhexanoic acid	.....
Ethyl hexyl phthalate	C
Ethyl propionate	D
Ethyl toluene	B
•Fatty acid (saturated, C13 and above), *see* **Fatty acid (saturated, C13+)**	III
+Fatty acid (saturated, C13+)	III
Fatty acid amides	II
Formamide	D
Furfuryl alcohol	C
†Gas oil, cracked	I
Gasoline blending stocks:	
Alkylates	I
†Reformates	I
Gasolines:	
†Automotive *(containing not over 4.23 grams lead per gallon)*	I
†Aviation *(containing not over 4.86 grams lead per gallon)*	I
Casinghead *(natural)*	I
Polymer	I
†Straight run	I
Glycerine	III
+Glycerine (83%), Dioxanedimethanol (17%) mixture	D
•*Glycerol, see* Glycerine	.....
Glycerol polyalkoxylate	III
Glyceryl triacetate	III

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
•*Glycidyl ester of tertiary carboxylic acid, see* Glycidyl ester of tridecyl acetic acid	.....
+Glycidyl ester of C10 trialkylacetic acid, *see* Glycidyl ester of tridecyl acetic acid	B
Glycidyl ester of tridecyl acetic acid	B
•*Glycidyl ester of versatic acid, see* Glycidyl ester of tridecyl acetic acid	.....
•*Glycol diacetate, see* Ethylene glycol diacetate	.....
Glycols, Resins, & Solvents mixture	II
•*Glycol triacetate, see* Glyceryl triacetate	.....
Glyoxal solution (40% or less)	D
•Heptadecane, *see* **n-Alkanes (C10+)**	III
Heptane (all isomers)	C
Heptanoic acid	D
Heptanol (all isomers)	C
Heptene (all isomers)	C
Heptyl acetate	B
•*Herbicide (C15 -H22 -NO2 -Cl), see* Metolachlor	.....
•Hexaethylene glycol, *see* **Polyethylene glycol**	III
Hexamethylene glycol	III
Hexamethylenetetramine solutions	D
Hexane (all isomers)	C
Hexanoic acid	D
Hexanol	D
Hexene (all isomers)	C
Hexyl acetate	B
Hexylene glycol	III
•*Hog grease, see* Lard	.....
2-Hydroxy-4-(methylthio)butanoic acid	[C]
Hydroxy terminated polybutadiene, *see* Polybutadiene, hydroxyl terminated.	
Isophorone	D
Jet fuels:	
JP-1 *(kerosene)*	I
JP-3	I
†JP-4	I
JP-5 *(kerosene, heavy)*	I
JP-8	●I
Kerosene	I
Lactic acid	D
Lard	III
+Latex (ammonia (1% or less) inhibited)	D
Latex, liquid synthetic *including:*	III
Styrene-butadiene rubber	III
Carboxylated styrene-butadiene copolymer	III
+Long chain alkaryl polyether (C11–C20)	C
+Long chain alkaryl sulfonic acid (C16–C60)	D

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
+Long chain alkylphenate/Phenol sulfide	III
+Magnesium long chain alkaryl sulfonate (C11–C50)	D
+Magnesium long chain alkyl phenate sulfide (C8–C20)	[D]
+Magnesium long chain alkyl salicylate (C11)	C
•Magnesium nonyl phenol sulfide, *see* **Magnesium long chain phenate sulfide (C8–C20)**	[D]
•Magnesium sulfonate, *see* **Magnesium long chain alkaryl sulfonate (C11–C50)**	D
Maleic anhydride copolymer	#
2-Mercaptobenzothiazol *(in liquid mixtures)*	#
Methane	LFG
3-Methoxy-1-butanol	III
3-Methoxybutyl acetate	D
1-Methoxy-2-propyl acetate	#
•Methoxy triglycol *(triethylene glycol methyl ether), see* **Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether**	
Methyl acetate	III
Methyl acetoacetate	D
Methyl alcohol	III
Methyl amyl acetate	C
Methyl amyl alcohol	C
Methyl amyl ketone	D
•*Methyl butanol, see the amyl alcohols*	
Methyl butenol	D
Methyl butyl ketone	D
Methyl butynol	D
Methyl butyrate	C
Methyl ethyl ketone	III
Methyl formal *(dimethyl formal)*	#
Methyl heptyl ketone	B
Methyl isobutyl carbinol, *see* Methyl amyl alcohol	C
Methyl isobutyl ketone	D
3-Methyl-3-methoxybutanol	III
3-Methyl-3-methoxybutyl acetate	III
Methyl naphthalene	A
•Methyl pentene, *see* **Hexene (all isomers)**	
+Methyl propyl ketone	D
•N-Methyl-2-pyrrolidone	D
Methyl tert-butyl ether	D
Metolachlor	⊕B
Mineral spirits	I
•Myrcene	D
Naphtha:	
•†Aromatic *(having less than 10% Benzene)*	⊕I
Heavy	⊕I
Paraffinic	⊕I
†Petroleum	I
†Solvent	⊕I
Stoddard Solvent	⊕I
†Varnish makers' and painters' (75%)	⊕i
Naphthalene sulfonic acid-formaldehyde copolymer, sodium salt solution	D
Naphthenic acid	A
Nonane (all isomers)	C
Nonanoic acid (all isomers)	D
Nonanoic, Tridecanoic acid mixture	⊕D
•Nonene **(all isomers)**	B
+Nonyl acetate	C
•Nonyl alcohol (all isomers)	C
Nonyl methacrylate *monomer*	D
Nonyl phenol	A
Nonyl phenol poly(4-12)ethoxylates	B
•Nonyl phenol sulfide (90% or less), *see* **Alkyl phenol sulfide (C8–C40)**	
+Noxious liquid, N.F., (1) n.o.s. ("trade name" contains "principle components") ST 1, Cat A *(if combustible)*	A
+Noxious liquid, F., (2) n.o.s. ("trade name" contains "principle components") ST 1, Cat A	A
+Noxious liquid, N.F., (3) n.o.s. ("trade name" contains "principle components") ST 2, Cat A *(if combustible)*	A
+Noxious liquid, F., (4) n.o.s. ("trade name" contains "principle components") ST 2, Cat A	A
+Noxious liquid, N.F., (5) n.o.s. ("trade name" contains "principle components") ST 2, Cat B *(if combustible)*	B
+Noxious liquid, N.F., (6) n.o.s. ("trade name" contains "principle components") ST 2, Cat B, mp. equal to or greater than 15 deg. C *(if combustible)*	B
+Noxious liquid, F., (7) n.o.s. ("trade name" contains "principle components") ST 2, Cat B	B
+Noxious liquid, F., (8) n.o.s. ("trade name" contains "principle components") ST 2, Cat B, mp. equal to or greater than 15 deg. C	B
+Noxious liquid, N.F., (9) n.o.s. ("trade name" contains "principle components") ST 3, Cat A *(if combustible)*	A
+Noxious liquid, F., (10) n.o.s. ("trade name" contains "principle components") ST 3, Cat A	A
+Noxious liquid, N.F., (11) n.o.s. ("trade name" contains "principle components") ST 3, Cat B *(if combustible)*	B
+Noxious liquid, N.F., (12) n.o.s. ("trade name" contains "principle components") ST 3, Cat B, mp. equal to or greater than 15 deg. C *(if combustible)*	B
+Noxious liquid, F., (13) n.o.s. ("trade name" contains "principle components") ST 3, Cat B	B
+Noxious liquid, F., (14) n.o.s. ("trade name" contains "principle components") ST 3, Cat B, mp. equal to or greater than 15 deg. C	B
+Noxious liquid, N.F., (15) n.o.s. ("trade name" contains "principle components") ST 3, Cat C *(if combustible)*	C
+Noxious liquid, F., (16) n.o.s. ("trade name" contains "principle components") ST 3, Cat C	C
Noxious liquid, n.o.s. (17) ("trade name," contains "principal components"), Category D *(if flammable or combustible)*	D
Non-noxious liquid, n.o.s. (18) ("trade name," contains "principal components"), Appendix III *(if flammable or combustible)*	III
•*Octadecene, see the olefin or alpha-olefin entries*	
Octadecenoamide solution *(oleamide)*	[D]
Octane (all isomers)	C
Octanoic acid (all isomers)	D
Octanol (all isomers)	C
Octene (all isomers)	B
Octyl acetate	D
•*Octyl alcohol (iso-, n-), see* Octanol (all isomers)	
Octyl aldehydes	B
Octyl decyl adipate	III
Octyl epoxytallate	#
•*Octyl phthalate (Di-(2-ethylhexyl)phthalate), see* **Dialkyl(C7–C13) phthalates**	
Oil, edible:	
Babassu	D
Beechnut	D
Castor	D
Cocoa butter	D
Coconut	D
Cod liver	D
Corn	D
Cottonseed	D
Fish, *n.o.s.*	D
Grapeseed	#
Groundnut	D
Hazelnut	D
Lard	⊕III
Maize, *see* Corn oil	D
Mustard seed	#
Nutmeg butter	D
Olive	D
Palm	D
Palm kernel	D
Peanut	D
Poppy	D
Raisin seed	D
Rapeseed	D
Rice bran	D

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
Safflower	D
Salad	D
Sesame	D
Soya bean	D
Sunflower, *see* Sunflower seed	D
Sunflower seed	D
Tucum	D
Vegetable, *n.o.s.*	D
Walnut	D
Oil, fuel:	
No. 1 *(kerosene)*	I
No. 1-D	I
No. 2	I
No. 2-D	I
No. 4	I
No. 5	I
No. 6	I
Oil, misc:	
Absorption	❷I
Aliphatic	❷I
Animal, *n.o.s.*	D
Aromatic	I
Aviation F2300	❷I
Clarified	I
Coal	#
•*Coconut oil, esterified, see* Coconut oil, fatty acid methyl ester	.....
Coconut oil, fatty acid	[C]
Coconut oil, fatty acid methyl ester	D
•*Coconut oil, methyl ester, see* Coconut oil, fatty acid methyl ester	.....
Cottonseed, fatty acid, *see* Cottonseed oil, fatty acid	C
Croton	#
†Crude	I
Diesel	I
+Gas, high pour	❷I
Gas, low pour	❷I
Gas, low sulfur	❷I
Heartcut distillate	I
Lanolin	D
Linseed	D
Lubricating	I
Mineral	I
Mineral seal	❷I
Motor	I
Neatsfoot	D
Oiticica	D
Palm oil, fatty acid methyl ester	D
•*Palm oil, methyl ester, see* Palm oil, fatty acid methyl ester	.....
Penetrating	I
Perilla	D
Pilchard	D
Pine	[B]
Range	❷I
Residual	I
Resin	#
Resinous petroleum	❷I
Road	I
Rosin	B
Seal	I
Soapstock	#
Soya bean (epoxidized)	#
Sperm	D
Spindle	I
Spray	#
Tall	B
Tall, fatty acid	C
Tanner's	#
Transformer	I
Tung	D
Turbine	I
Whale	D
White (mineral)	❷I
Wood	#
+alpha-Olefins (C6–C18)	B
alpha-Olefins (C13–C18)	III
+Olefin mixtures (C5–C7)	C
+Olefin mixtures (C5–C15)	B
•Olefins (C13+, all isomers)	III
+Olefin/Alkyl ester copolymer (molecular weight 2000)	D
Oleic acid	D
•*Oleyl alcohol (octadecenol), see* Alcohols (C13+)	.....
•*Organic amine 70, see* Aminoethyldiethanolamine, Aminoethylethanolamine solution	.....
+Palm kernel acid oil, methyl ester	[D]
Palm stearin	D
•n-Paraffins (C10–C20), *see* n-Alkanes (C10+)	III
•*Pentadecanol, see* Alcohols (C13+)	.....
•*Pentaethylene glycol, see* Polyethylene glycols	.....
Pentaethylenehexamine	D
Pentane (all isomers)	C
Pentanoic acid	D
Pentene (all isomers)	C
Petrolatum	III
1-Phenyl-1-xylyl ethane	C
Phosphosulfurized bicyclic terpene	#
•*Phthalate plasticizers, see individual phthalates*	.....
Pinene	B
Polyalkenyl succinic anhydride amine	#
Polyalkylene glycols, Polyalkylene glycol monoalkyl ethers mixtures	❷D
+Polyalkylene glycol butyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	D
+Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	D
+Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether acetate	D
Polyalkylene oxide polyol	[C]
+Polyalkyl methacrylate (C1–C20)	*[D]*
Polyamine, amide mixture	#
Polybutadiene, hydroxyl terminated	[III]
Polybutene	III
Polydimethylsiloxane	#
+Polyether (molecular weight 2000)	D
Polyethylene glycol	III
Polyethylene glycol dimethyl ether	III
+Polyethylene glycol monoalkyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether	D
+Polyglycerine, Sodium salts solution (containing less than 3% Sodium hydroxide)	III
•Polyglycerol	III
•Poly(4+)isobutylene	III
Polymerized esters	#
+Polyolefin (molecular weight 300)	III
+Polyolefin amide alkeneamine (C28+)	D
+Polyolefin amide alkeneamine borate (C28–C250)	D
+Polyolefin amide alkeneamine molybdenum oxysulfide	III
+Polyolefin amide alkeneamine polyol	D
+Polyolefin anhydride	D
+Polyolefin ester (C28–C250)	D
+Polyolefin phenolic amine (C28–C250)	D
+Polyolefin phosphorosulfide, barium derivative	C
•Poly(20)oxyethylene sorbitan monooleate	III
•Poly(5+)propylene	III
Polypropylene glycol	D
Polypropylene glycol methyl ether	III
Polysiloxane	III
Polystyrene dialkyl maleate	#
•Potassium oleate	C
Propane	LFG
•n-Propoxypropanol (propylene glycol propyl ether), *see* Propylene glycol monoalkyl ether	D
•iso-Propyl acetate	III
•n-Propyl acetate	D
•iso-Propyl alcohol	III
•n-Propyl alcohol	III
•iso-Propylbenzene (*see also* Cumene)	B
•n-Propylbenzene	C
iso-Propylcyclohexane	C
Propylene	LFG
Propylene-butylene copolymer	III
+Propylene carbonate	[III]
Propylene dimer	C
Propylene glycol	III
+Propylene glycol n-butyl ether	D
•Propylene glycol ethyl ether, *see* Propylene glycol monoalkyl ether	D
+Propylene glycol methyl ether acetate	D
•Propylene glycol methyl ether, *see* Propylene glycol monoalkyl ether	D
Propylene glycol monoalkyl ether	D

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
+Propylene glycol phenyl ether	[D]
+Propylene glycol propyl ether, *see* Propylene glycol monoalkyl ether	D
Propylene polymer *(in liquid mixtures)*	#
Propylene tetramer	B
Propylene trimer	B
•*Pseudocumene, see* **Trimethylbenzenes**	
•*Rum, see* Alcoholic beverages, n.o.s.	
•Sodium acetate, Glycol, Water **mixture (containing 1% or less, Sodium hydroxide)**	
•Sodium acetate solution	D
•Sodium benzoate *solution*	D
+Sodium long chain alkyl salicylate (C13)	[C]
Sodium sulfonate	#
•Stearic acid, *see* **Fatty acid (saturated, C13+)**	III
Stearyl alcohol *(octadecanol)*	III
+Sulfohydrocarbon (C3–C88)	D
+Sulfohydrocarbon, long chain (C18) alkylamine	B
Sulfolane	III
Tallow	D
•Tallow alcohol, *see* Alcohols (C13+)	III
Tallow fatty acid	D
Tallow *alkyl* nitrile	#
Tetradecanol	III
•*Tetradecene, see the olefin or alpha-olefin entries*	
Tetradecylbenzene	[C]
Tetraethylene glycol	III
Tetrahydronaphthalene	C
•*Tetrapropylbenzene, see* Alkyl(C9+)benzenes	
Toluene	C
•Triarylphosphate, *see* **Triisopropylated phenyl phosphates**	A
Tributyl phosphate	B
Tricresyl phosphate (less than 1% of the ortho isomer)	A
•Tridecane, *see* **n-Alkanes (C10+)**	III
Tridecanoic acid	III
•*Tridecanol, see* Alcohols (C13+)	
•Tridecene, *see* **Olefins (C13+)**	III
+Tridecyl acetate	III
Tridecylbenzene	[C]
Triethylbenzene	A
Triethylene glycol	III
Triethylene glycol butyl ether	III
Triethylene glycol butyl ether mixture	#
Triethylene glycol di-(2-ethylbutyrate)	[C]
Triethylene glycol ether mixture	#
•Triethylene glycol ethyl ether, *see* **Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether**	D

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
•Triethylene glycol methyl ether, *see* **Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether**	D
Triethyl phosphate	D
Triisooctyl trimellitate	#
Triisopropanolamine	III
+Triisopropylated phenyl phosphates	A
Trimethylbenzenes (all isomers)	B
Trimethylol propane polyethoxylate	D
•**2,2,4-Trimethyl-1,3-pentanediol diisobutyrate**	#
2,2,4-Trimethyl-3-pentanol-1-isobutyrate	#
Tripropylene, *see* Propylene trimer	
Tripropylene glycol	III
•Tripropylene glycol methyl ether, *see* **Poly(2-8)alkylene glycol monoalkyl(C1–C6) ether**	D
Trixylenyl phosphate	A
+Trixylyl phosphate, *see* Trixylenyl phosphate	A
Turpentine	B
•†Turpentine substitute, *see* White spirit (low (15-20%) aromatic)	
•*Undecanol, see 1*-Undecyl alcohol	
Undecene	B
•*1*-Undecyl alcohol	B
Undecylbenzene	[C]
+Vegetable oils, n.o.s. (*see also* Oil, edible)	D
Including:	
Beechnut oil	
Castor oil	
Cocoa butter	
Coconut oil	
Corn oil	
Cottonseed oil	
Groundnut oil	
Hazelnut oil	
Linseed oil	
Nutmeg butter	
Oiticica oil	
Olive oil	
Palm kernel oil	
Palm oil	
Peel oil (oranges and lemons)	
Perilla oil	
Poppy oil	
Raisin seed oil	
Rapeseed oil	
Rice bran oil	
Safflower oil	
Salad oil	
Sesame oil	
Soya oil	
Sunflower seed oil	
Tucum oil	
Tung oil	
Walnut oil	
+Vegetable acid oils and distillates, n.o.s.	D

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category
Including:	
Corn acid oil	
Cottonseed acid oil	
Dark mixed acid oil	
Groundnut acid oil	
Mixed acid oil	
Mixed general acid oil	
Mixed hard acid	
Mixed soft acid	
Rapeseed acid oil	
Safflower acid oil	
Soya acid oil	
Sunflower seed acid oil	
Vinyl acetate-fumarate copolymer	#
•Waxes:	D
Candelilla	D
Carnauba	D
Paraffin	III
Petroleum	I
•†*White spirit, see* White spirit (low (15-20%) aromatic)	
†White spirit (low (15-20%) aromatic)	B
•*Wine, see* Alcoholic beverages, n.o.s.	
Wool grease	#
Xylenes *(ortho-, meta-, para-)*	C
+Zinc alkaryl dithiophosphate (C7–C16)	C
+Zinc alkyl dithiophosphate (C3–C14)	B
Zinc dialkyldithiophosphate	#

+ denotes newly added products.

Items with a bullet (•) or in **boldface** are changes per CGD 92–100.

Explanation of Symbols: As used in this table the following stands for:

A, B, C, D—NLS Category of Annex II of MARPOL 73/78.

I—Considered an "oil" under Annex I of MARPOL 73/78.

III—Appendix III of Annex II (non-NLS cargoes) of MARPOL 73/78.

LFG—Liquefied flammable gas.

#—No determination of NLS status. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

[ ]—A NLS category in brackets indicates that the product is provisionally categorized and that further data are necessary to complete the evaluation of its pollution hazards. Until the hazard evaluation is completed, the pollution category assigned is used.

@—The NLS category has been assigned by the U.S. Coast Guard, in absence of one assigned by the IMO. The category is based upon a GESAMP Hazard Profile or by analogy to a closely related product having an NLS assigned.

†—The provisions contained in 46 CFR part 197, subpart C, may apply to this cargo.

Abbreviations for Noxious liquid Cargoes:

N.F.—non-flammable (flash point greater than 60 degrees C (140 degrees F) cc).

Table 30.25–1—List of Flammable and Combustible Bulk Liquid Cargoes—Continued

Cargoes	Pollution Category

F.—flammable (flash point less than or equal to 60 degrees C (140 degrees F) cc).
n.o.s.—not otherwise specified.
ST—Ship type.
Cat—Pollution category.

Words in italics are not part of the the cargo name but may be used in addition to the cargo name.

When one entry references another entry by use of the word "*see*", and both names are in roman type, either name may be used as the cargo name (e.g., Diethyl ether, *see* Ethyl ether). However, the referenced entry is preferred.

* * * * *

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN FLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

3. The authority citation for part 40 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR 1980, Comp., p.277; 49 CFR 1.46.

§ 40.01–1 [Amended]

4. In § 40.01–1, remove the words "Table 30.25–5" and add, in its place, the words "Table 151.05".

§ 40.01–5 [Removed]

5. Section 40.01–5 is removed.

§ 40.15–1 [Amended]

6. In § 40.15–1(a)(3) and (e), remove the words "29 CFR 1910.93q(g)" and add, in their place, the words "29 CFR 1910.1017".

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

7. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 98.01–1 [Amended]

8. In § 98.01–1(e), remove the words "Table 151.01–10(b)" and add, in their place, the words "Table 151.05".

PART 147—HAZARDOUS SHIPS' STORES

9. The authority citation for part 147 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 33 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 147.45 [Amended]

10. In § 147.45(f)(4), remove the word "protable" and add, in its place, the word "portable".

11. In § 147.45(h)(1), remove the words "(f)(4)" and add, in its place, the words "(f)(3)".

12. In § 147.45(h)(2), remove the words "(f)(3)" and add, in its place, the words "(f)(4)".

§ 147.95 [Amended]

13. In § 147.95(b), remove the word "matter" and add, in its place, the word "master".

PART 150—COMPATIBILITY OF CARGOES

14. The authority citation for part 150 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46. Section 150.105 issued under 44 U.S.C. 3507; 49 CFR 1.45.

Table I [Revised]

15. Table I is revised to read as follows:

* * * * *

TABLE I—ALPHABETICAL LIST OF CARGOES

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Acetaldehyde	19	AAD	
Acetic acid	[2]4	AAC	
Acetic anhydride	11	ACA	
Acetone	[2]18	ACT	
Acetone cyanohydrin	[1, 2]0	ACY	
Acetonitrile	37	ATN	
Acetophenone	18	ACP	
Acetyl tributyl citrate	34		
Acrolein	[2]19	ARL	
Acrylamide solution	10	AAM	
Acrylic acid	[2]4	ACR	
Acrylonitrile	[2]15	ACN	
Acrylonitrile-Styrene copolymer dispersion in Polyether polyol	20	ALE	
Adiponitrile	37	ADN	
•Alcohols (C13+)	20	ALY	TDN/TTN/PDC/TFA
+Alachlor technical	33	ALH	
Alcoholic beverages	20		
•Alcohol polyethoxylates	20		APU/APV/APW *(APK/APL)*
Alcohol polyethoxylates, secondary	20		AEA/AEB
+Alkanes (C6–C9)	31	ALK	HXX/HMXOAX/NAX
+iso- & cyclo-Alkanes (C10–C11)	31	AKI	
+Alkane (C14–C17) sulfonic acid, sodium salt solution	34	AKA	
+Alkaryl polyether (C9–C20)	41	AKP	
+Alkenyl(C11+)amide	11	AKM	
+Alkenylsuccinic anhydride	11	AAH	
+Alkyl(C8+)amine, Alkenyl (C12+) acid ester mixture	34	AAA	
Alkyl acrylate-Vinyl pyridine copolymer in Toluene	32	AAP	
+Alkyl(C3–C4)benzenes	32	AKC	PBY/BBE

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
+Alkyl(C5–C8)benzenes	32	AKD	
+Alkyl(C9+)benzenes	32	AKB	DBZ/UDB/DDB/TRB/TDB
+Alkylbenzene/-indane/-indene mixture (C12–C17 total carbon)	32	AIH	
Alkylbenzenesulfonic acid	1, 2 0	ABS	
Alkylbenzenesulfonic acid, sodium salt solutions	33	ABT	
+Alkyl dithiothiadiazole (C6–C24)	33	ADT	
+Alkyl ester copolymer (C6–C18)	34	AES	
+Alkyl(C7–C9) nitrates	2 34	AKN	ONE
+Alkyl phenol sulfide (C8–C40)	34	AKS	
Alkyl phthalates	34		
Allyl alcohol	2 15	ALA	
Allyl chloride	15	ALC	
Aluminium chloride, Hydrochloric acid solution	0	AHS	
Aluminum sulfate solution	2 43	ASX	ALM
2-(2-Aminoethoxy)ethanol	8	AEX	
Aminoethyldiethanolamine, Aminoethylethanolamine solution	8		
Aminoethylethanolamine	8	AEE	
N-Aminoethylpiperazine	7	AEP	
2-Amino-2-hydroxymethyl-1,3-propanediol solution	43	AHL	
2-Amino-2-methyl-1-propanol	8	APR	
Ammonia, anhydrous	6	AMA	
Ammonium bisulfite solution	2 43	ABX	ASU
•Ammonium hydrogen phosphate solution	0	AMI	
Ammonium hydroxide (28% or less Ammonia)	6	AMH	
Ammonium nitrate solution	1 0	ANR	AMN
Ammonium nitrate, Urea solution (containing Ammonia)	6	UAS	
•Ammonium nitrate, Urea solution (not containing Ammonia)	43	ANU	UAT
•Ammonium polyphosphate solution	43	AMO	APP
Ammonium sulfate solution	43	AME	AMS
Ammonium sulfide solution	5	ASS	ASF
Ammonium thiocyanate, Ammonium thiosulfate solution	0	ACS	
Ammonium thiosulfate solution	43	ATV	ATF
Amyl acetate	34	AEC	IAT/AML/AAS/AYA
Amyl alcohol	20	AAI	IAA/AAN/ASE/APM
•Amylene, *see* Pentene	30	AMZ	PTX
•Amyl methyl ketone, *see* Methyl amyl ketone	18	AMK	MAK
Amyl tallate	34		
Aniline	9	ANL	
+Animal and Fish oils, n.o.s.	34	AFN	
+Animal and Fish acid oils and distillates, n.o.s.	34	AFA	
Anthracene oil (Coal tar fraction), *see* Coal tar	33	AHO	COR
+Aryl polyolefin (C11–C50)	30	AYF	
Asphalt	33	ASP	ACU
Asphalt blending stocks, roofers flux	33	ARF	
Asphalt blending stocks, straight run residue	33	ASR	
Aviation alkylates	33	AVA	GAV
+Barium long chain alkaryl sulfonate (C11–C50)	34	BCA	
+Barium long chain alkyl(C8–C14)phenate sulfide	34	BCH	
Behenyl alcohol	20		
Benzene	32	BNZ	
Benzene hydrocarbon mixtures (having 10% Benzene or more)	32	BHB	
Benzenesulfonyl chloride	1, 2 0	BSC	
Benzene, Toluene, Xylene mixtures	32	BTX	
Benzene tricarboxylic acid, trioctyl ester	34		
Benzylacetate	34	BZE	
Benzyl alcohol	21	BAL	
Benzyl chloride	35	BCL	
Brake fluid base mixtures	20	BFX	
Butadiene	30	BDI	
Butadiene, Butylene mixtures (cont. Acetylenes)	30	BBM	
Butane	31	BMX	IBT/BUT
Butene	30		IBL/BTN
Butene oligomer	30	BOL	
Butyl acetate	34	BAX	IBA/BCN/BTA/BYA
Butyl acrylate	14	BAR	BAI/BTC
Butyl alcohol	2 20		IAL/BAN/BAS/BAT

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Butylamine	7	BTY	IAM/BAM/BTL/BUA
Butylbenzene	32	BBE	
Butyl benzyl phthalate	34	BPH	
n-Butyl butyrate	34	BUB	
Butylene	30	BTN	IBL
Butylene glycol	[2]20	BUG	
Butylene oxide	16	BTO	
Butyl ether	41	BTE	
Butyl formate	34		BFI/BFN
Iso-Butyl isobutyrate	34	BIB	
Butyl heptyl ketone	18	BHK	
Butyl methacrylate	14	BMH	BMI/BMN
Butyl methacrylate, Decyl methacrylate, Cetyl-Eicosyl methacrylate mixture	14	DER	
Butyl phenol, Formaldehyde resin in Xylene	32		
+n-Butyl propionate	34	BPN	
Butyl toluene	32	BUE	
Butyraldehyde	19	BAE	BAD/BTR/BFA
Butyric acid	4	BRA	IBR
gamma-Butyrolactone	[1, 2]Q	BLA	
+Calcium alkyl(C9)phenol sulfide, polyolefin phosphorosulfide mixture	34	CPX	
Calcium bromide solution	43		CBM
Calcium bromide, Zinc bromide solution, *see* Drilling brine (containing Zinc salts)	43		DZB
Calcium chloride solution	43	CCS	CLC
Calcium hypochlorite solutions	5		CHZ/CHU/CHY
+Calcium long chain alkaryl sulfonate (C11–C50)	34	CAY	
+Calcium long chain alkyl phenate (C8–C40)	34	CAN	
+Calcium long chain alkyl phenate sulfide (C8–C40)	34	CPI	
+Calcium long chain alkyl salicylate (C13+)	34	CAK	
+Calcium long chain phenolic amine (C8–C40)	7		
Calcium nitrate, Magnesium nitrate, Potassium chloride solution	34		
Calcium sulfonate, Calcium carbonate, Hydrocarbon solvent mixture	33		
Camphor oil	18	CPO	
Caprolactam solution	22	CLS	
Carbolic oil	21	CBO	
Carbon black base	33		
Carbon disulfide	38	CBB	
Carbon tetrachloride	36	CBT	
Cashew nut shell oil (untreated)	4	OCN	
Caustic potash solution	[2]5	CPS	
Caustic soda solution	[2]5	CSS	
Cetyl-Eicosyl methacrylate mixture	14	CEM	
+Cetyl-Stearyl alcohol	20		
Chlorinated paraffins (C10–C13)	36	CLH	
Chlorinated paraffins (C14–C17)	36		
Chlorine	[1]0	CLX	
Chloroacetic acid solution	4	CHM	CHL/MCA
Chlorobenzene	36	CRB	
Chlorodifluoromethane	36	MCF	
Chloroform	36	CRF	
Chlorohydrins	17	CHD	
4-Chloro-2-methylphenoxyacetic acid, Dimethylamine salt solution	9	CDM	
•Chloronitrobenzene	42	CNO	
Chloropropionic acid	4	CPM	CLA/CLP
Chlorosulfonic acid	[1]0	CSA	
Chlorotoluene	36	CHI	CTM/CTO/CRN
Choline chloride solutions	20	CCO	
+Citric acid	4	CIS	CIT
Coal tar	33	COR	OCT
Coal tar pitch	33	CTP	
+Cobalt naphthenate in solvent naphtha	34	CNS	
Coconut oil, fatty acid	34	CFA	
Corn syrup	43	CSY	
Cottonseed oil, fatty acid	34	CFY	
Creosote	[2]21	CCT	CCW/CWD
Cresols	21	CRS	CRL/CSL/CSO
Cresylate spent caustic	5	CSC	
Cresylic acid	21	CRY	
+Cresylic acid, dephenolized	21	CAD	
Cresylic acid, sodium salt solution	5		CSC
+Cresylic acid tar	5	CRX	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Crotonaldehyde	[2]19	CTA	
Cumene	32	CUM	
Cycloaliphatic resins	31		
1,5,9-Cyclododecatriene	30	CYT	
Cycloheptane	31	CYE	
Cyclohexane	31	CHX	
Cyclohexane oxidation product acid water	4		
Cyclohexanol	20	CHN	
Cyclohexanone	18	CCH	
Cyclohexanone, Cyclohexanol mixtures	[2]18	CYX	
Cyclohexyl acetate	34	CYC	
Cyclohexylamine	7	CHA	
•1,3-Cyclopentadiene dimer	30	CPD	DPT
Cyclopentadiene, Styrene, Benzene mixtures	30	CSB	
Cyclopentane	31	CYP	
Cyclopentene	30	CPE	
Cymene	32	CMP	
Decahydronaphthalene	33	DHN	
Decaldehyde	19		IDA/DAL
•Decane, *see* n-Alkanes (C10+)	31	DDC	
Decanoic acid	4	DCO	
Decene	30	DCE	
+Decyl acetate	34	DYA	
Decyl acrylate	14	DAT	IAI/DAR
Decyl alcohol	[2]20	DAX	ISA/DAN
Decylbenzene	32	DBZ	AKB
+Decyloxytetrahydro-thiophene dioxide	0	DHT	
Dextrose solution	43	DTS	
• Diacetone alcohol	[2]20	DAA	
Dialkyl(C10–C14) benzenes	32	DAB	
•Dialkyl(C7–C13) phthalates	34	DAH	DHP/DIE/DOP/ DIF/DTP/DUP/ DID/DIN/DIO/ EHE
Diammonium salt of Zinc EDTA solution	43	DSZ	
Dibutylamine	7	DBA	
+Dibutyl hydrogen phosphonate	34	DHD	
Dibutyl phthalate	34	DPA	
Dichlorobenzene	36	DBX	DBM/DBO/DBP
Dichlorodifluoromethane	36	DCF	
+1,6-Dichlorohexane	36	DHX	
1,1-Dichloroethane	36	DCH	
2,2'-Dichloroethyl ether	41	DEE	
2,2'-Dichloroisopropyl ether	36	DCI	
Dichloromethane	36	DCM	
2,4-Dichlorophenol	21	DCP	
2,4-Dichlorophenoxyacetic acid, Diethanolamine salt solution	43	DDE	
2,4-Dichlorophenoxyacetic acid, Dimethylamine salt solution	[1, 2]0	DAD	DDA/DSX
2,4-Dichlorophenoxyacetic acid, Triisopropanolamine salt solution	[2]43	DTI	
Dichloropropane	36	DPX	DPB/DPP/DPC/ DPL
1,3-Dichloropropene	15	DPS	DPU/DPF
Dichloropropene, Dichloropropane mixtures	15	DMX	
2,2-Dichloropropionic acid	4	DCN	
•Dicyclopentadiene, *see* 1,3-Cyclopentadiene dimer	30	DPT	CPD
Didecyl dimethyl ammonium chloride, Ethanol mixture solution	43	DDX	
+Diphenylamine, reaction product with 2,2,4-Trimethylpentene	7	DAK	
Diethanolamine	8	DEA	
Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid solution	43	DDE	
Diethylamine	7	DEN	
Diethylaminoethanol	8		DAE
2,6-Diethylaniline	9	DMN	
Diethylbenzene	32	DEB	
Diethylene glycol	40	DEG	
Diethylene glycol butyl ether	40	DME	
Diethylene glycol butyl ether acetate	34	DEM	
Diethylene glycol dibutyl ether	40	DIG	
+Diethylene glycol diethyl ether	40		
Diethylene glycol ethyl ether	40	DGE	
•Diethylene glycol ethyl ether acetate, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetates	34	DGA	PAF
+Diethylene glycol n-hexyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	DHE	PAG

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
•Diethylene glycol methyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	DGM	PAG
Diethylene glycol methyl ether acetate, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetate	34	DGR	PAF
Diethylene glycol phenyl ether	40	DGP	
Diethylene glycol phthalate	34	DGL	
+Diethylene glycol propyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	DGO	PAG
Diethylenetriamine	[2]7	DET	
+Diethylenetriamine pentaacetic acid, pentasodium salt solution	43		
Diethylethanolamine	8	DAE	
Diethyl ether	41		EET
Di-(2-ethylhexyl)adipate	34	DEH	
Di-(2-ethylhexyl)phosphoric acid	1	DEP	
•Di-(2-ethylhexyl)phthalate, *see* Dialkyl(C7–C13) phthalates	34	DIE	DAH/DDIO/ DOP/DAH
Diethyl phthalate	34	DPH	
Diethyl sulfate	34	DSU	
Diglycidyl ether of Bisphenol A	41	BDE	BPA
Diglycidyl ether of Bisphenol F	41	DGF	
Diheptyl phthalate	34	DHP	
Di-n-hexyl adipate	34	DHA	
Diisobutylamine	7	DBU	
•Diisobutyl carbinol, *see* Nonyl alcohol	20	DBC	NNS
Diisobutylene	30	DBL	
Diisobutyl ketone	18	DIK	
Diisobutyl phthalate	34	DIT	
•Diisodecyl phthalate, *see* Dialkyl(C7–C13) phthalates	34	DID	DAH
Diisononyl adipate	34	DNY	
•Diisononyl phthalate, *see* Dialkyl(C7–C13) phthalates	34	DIN	DAH
Diisooctyl phthalate	34	DIO	
Diisopropanolamine	8	DIP	
Diisopropylamine	7	DIA	
Diisopropylbenzene	32	DIX	
Diisopropyl naphthalene	32	DII	
N,N-Dimethylacetamide	10	DAC	
N,N-Dimethylacetamide solution	10	DLS	
Dimethyl adipate	34	DLA	
Dimethylamine	7	DMA	
Dimethylamine solution	7		DMG/DMY/DMC
Dimethylamine salt of 4-Chloro-2-methylphenoxyacetic acid solution	9	CDM	
Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid solution	[1, 2]0	DAD	DDA/DSX
2,6-Dimethylaniline	8	DMM	
Dimethylcyclicsiloxane hydrolyzate	34		
N,N-Dimethylcyclohexylamine	7	DXN	
Dimethylethanolamine	8	DMB	
Dimethylformamide	10	DMF	
Dimethyl furan	41		
Dimethyl glutarate	34	DGT	
Dimethyl hydrogen phosphite	[2]34	DPI	
Dimethyl naphthalene sulfonic acid, sodium salt solution	[2]34	DNS	
Dimethyloctanoic acid	4	DMO	
Dimethyl phthalate	34	DTL	
Dimethylpolysiloxane	34	DMP	
2,2-Dimethylpropane-1,3-diol	20	DDI	
Dimethyl succinate	34	DSE	
Dinitrotoluene	42	DNM	DTT/DNL/DNU
•Dinonyl phthalate, *see* Dialkyl(C7–C13) phthalates	34	DIF	DAH
•Dioctyl phthalate, *see* Dialkyl(C7–C13) phthalates	34	DOP	DAH
1,4-Dioxane	41	DOX	
Dipentene	30	DPN	
Diphenyl	32	DIL	
Diphenyl, Diphenyl ether mixture	33	DDO	DTH
Diphenyl ether	41	DPE	
Diphenyl ether, Diphenyl phenyl ether mixture	41	DOB	
+Diphenylamines, alkylated	7	DAJ	
Diphenylmethane diisocyanate	12	DPM	
Diphenylol propane-Epichlorohydrin resins	[1]0	DPR	
Di-n-propylamine	7	DNA	
Dipropylene glycol	40	DPG	
+Dipropylene glycol butyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	DBG	PAG
Dipropylene glycol dibenzoate	34	DGY	
Dipropylene glycol methyl ether	40	DPY	
Distillates, flashed feed stocks	33	DFF	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Distillates, straight run	33	DSR	
•Ditridecyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	34	DTP	DAH
•Diundecyl phthalate, *see* **Dialkyl(C7–C13) phthalates**	34	DUP	DAH
Dodecane	31	DOC	PFN
Dodecanol	20	DDN	LAL
Dodecene	30	DOZ	DDC/DOD
2-Dodecenylsuccinic acid, dipotassium salt solution	34		
Dodecylamine, Tetradecylamine mixture	[2]7	DTA	
•Dodecyl alcohol, *see* Dodecanol			DDN
Dodecylbenzene	32	DDB	AKB
Dodecylbenzenesulfonic acid	[2]0	DSA	
+Dodecyldimethylamine, Tetradecyldimethylamine mixture	7	DOT	
Dodecyl diphenyl ether disulfonate solution	43	DOS	
+Dodecyl hydroxypropyl sulfide	0	DOH	
Dodecyl methacrylate	14	DDM	
Dodecyl-Pentadecyl methacrylate mixtures	14	DDP	
Dodecyl phenol	21	DOL	
+Dodecyl xylene	32	DXY	
Drilling brine (containing Calcium, Potassium or Sodium salts)	43		DRB
Drilling brine (containing Zinc salts)	43	DZB	
Drilling mud (low toxicity) *(if flammable or combustible)*	33		DRM
Drilling mud (low toxicity) *(if non-flammable or non-combustible)*	43		DRM
Epichlorohydrin	17	EPC	
Epoxy resin	18		
Ethane	31	ETH	
Ethanolamine	8	MEA	
2-Ethoxyethanol	20	EEO	
2-Ethoxyethyl acetate	34	EEA	
•Ethoxylated alcohols, C11–C15, *see the alcohol poylethoxylates*	20		APU/APV/APW (EOD/ENP/EOP/EOT/ETD)
Ethoxy triglycol	40	ETG	
Ethyl acetate	34	ETA	
Ethyl acetoacetate	34	EAA	
Ethyl acrylate	14	EAC	
Ethyl alcohol	[2]20	EAL	
Ethylamine	[2]7	EAM	
Ethylamine solution	7	EAN	
Ethyl amyl ketone	18	EAK	ELK
Ethylbenzene	32	ETB	
Ethyl butanol	20	EBT	
N-Ethyl-n-butylamine	7	EBA	
Ethyl butyrate	34	EBR	
Ethyl chloride	36	ECL	
Ethyl chlorothioformate	[2]0	ECT	
+Ethyl cyclohexane	31	ECY	
N-Ethylcyclohexylamine	7	ECC	
Ethylene	30	ETL	
Ethylene chlorohydrin	20	ECH	
Ethylene cyanohydrin	20	ETC	
Ethylenediamine	[2]7	EDA	EMX
Ethylenediaminetetracetic acid, tetrasodium salt solution	43	EDS	
Ethylene dibromide	36	EDB	
Ethylene dichloride	[2]36	EDC	
Ethylene glycol	[2]20	EGL	
Ethylene glycol acetate	34	EGO	
Ethylene glycol butyl ether	40	EGM	
+Ethylene glycol hexyl ether	40	EGH	
+Ethylene glycol methyl butyl ether	40	EMB	
Ethylene glycol tert-butyl ether	40		
Ethylene glycol butyl ether acetate	34	EMA	
Ethylene glycol diacetate	34	EGY	
Ethylene glycol dibutyl ether	40	EGB	
Ethylene glycol ethyl ether	40	EGE	
Ethylene glycol ethyl ether acetate	34	EGA	
Ethylene glycol isopropyl ether	40	EGI	
Ethylene glycol methyl ether	40	EME	
Ethylene glycol methyl ether acetate	34	EGT	
+Ethylene glycol monoalkyl ethers	40	EGC	
Ethylene glycol phenyl ether	40	EPE	
Ethylene glycol phenyl ether, Diethylene glycol phenyl ether mixture	40	EDX	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Ethylene glycol propyl ether	40	EGP	
Ethylene oxide	[1]0	EOX	
Ethylene oxide, Propylene oxide mixture	16	EPM	
+Ethylene-Propylene copolymer	30		
Ethylene-Vinyl acetate copolymer emulsion	43		
Ethyl ether	41	EET	
Ethyl-3-ethoxypropionate	34	EEP	
•2-Ethylhexaldehyde, *see* **Octyl aldehydes**	19	EHA	OAL
•2-Ethylhexanoic acid, *see* **Octanoic acids**	4	EHO	OAY
•2-Ethylhexanol, *see* **Octanol**	20	EHX	OCX
2-Ethylhexyl acrylate	14	EAI	
2-Ethylhexylamine	7	EHM	
Ethyl hexyl phthalate	34	EHE	
•*Ethyl hexyl tallate*	34	*EHT*	
Ethylidene norbornene	[2]30	ENB	
Ethyl methacrylate	14	ETM	
2-Ethyl-6-methyl-N-(1'-methyl-2-methoxyethyl)aniline	11	EEM	
o-Ethyl phenol	21	EPL	
Ethyl propionate	34	EPR	
2-Ethyl-3-propylacrolein	[2]19	EPA	
Ethyl toluene	32	ETE	
•Fatty acids (saturated, **C13+**)	34	FAD	SRA
Fatty acid amides	33		
Ferric chloride solution	1	FCS	FCL
Ferric hydroxyethylethylenediaminetriacetic acid, trisodium salt solution	[2]43	FHX	STA
Ferric nitrate, Nitric acid solution	3	FNN	
Fish solubles *(water based fish meal extracts)*	43	FSO	
+Fluorosilicic acid	1	FSJ	
Formaldehyde, Methanol mixtures	[2]19	MTM	
Formaldehyde solution	[2]19	FMS	
Formamide	10	FAM	
Formic acid	[2]4	FMA	
Fructose solution	43		
Fumaric adduct of Rosin, water dispersion	43	FAR	
Furfural	19	FFA	
Furfuryl alcohol	[2]20	FAL	
Gas oil, cracked	33	GOC	
Gasoline blending stock, alkylates	33	GAK	
Gasoline blending stock, reformates	33	GRF	
Gasolines:			
Automotive *(not over 4.23 grams lead per gal.)*	33	GAT	
Aviation *(not over 4.86 grams lead per gal)*	33	GAV	AVA
Casinghead *(natural)*	33	GCS	
Polymer	33	GPL	
Straight run	33	GSR	
Glutaraldehyde solution	19	GTA	
Glycerine	[2]20	GCR	
+Glycerine, Dioxanedimethanol mixture	20	GDM	
Glycerol polyalkoxylate	34		
Glyceryl triacetate	34		
Glycidyl ester of tridecylacetic acid	34	GLT	
•*Glycidyl ester of Versatic acid, see* **Glycidyl ester of tridecylacetic acid**	34		
Glycol diacetate	34		
Glycols, Resins, and Solvents mixture	33		
Glyoxal solutions	19	GOS	
+Glyoxylic acid	4	GAC	
Heptane	11	HMX	HPI/HPT
n-Heptanoic acid	4	HEP	
Heptanol	20	HTX	HTN
Heptene	30	HPX	HTE
Heptyl acetate	34	HPE	
•Herbicide (C15-H22-NO2-Cl), **see Metolachlor**	.....		MCO
+Hexaethylene glycol, *see* Polyethylene glycol	40		
+Hexamethylene glycol	20		
+Hexamethylenediamine adipate solution	43	HAM	HMD
Hexamethylenediamine solution	7	HMC	HMD
Hexamethylenetetramine	7	HMT	
Hexamethylenetetramine solutions	7	HTS	
Hexamethylenimine	7	HMI	
Hexane	[2]31	HXS	IHA/HXA
Hexanoic acid	4	HXO	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Hexanol	20	HXN	
+Hexane	30	HEX	HXE/HXT/MPN/MTH
Hexyl acetate	34	HAE	HSA
Hexylene glycol	20	HXG	
Hydrochloric acid	1	HCL	
Hydrochloric acid, spent	1	HCS	
•Hydrofluorosilicic acid, *see* **Fluorosilicic acid**	1	HFS	FSJ
Hydrogen peroxide solutions	[1]0		HPN/HPS/HPO
2-Hydroxyethyl acrylate	[1, 2]0	HAI	
N-(Hydroxyethyl)ethylenediaminetriacetic acid, trisodium salt solution	43	HET	
2-Hydroxy-4-(methylthio)butanoic acid	4	HBA	
Isophorone	[2]18	IPH	
Isophorone diamine	7	IPI	
Isophorone diisocyanate	12	IPD	
Isoprene	30	IPR	
Isopropylbenzene	32	CUM	
Jet fuels:			
JP-1	33	JPO	
JP-3	33	JPT	
JP-4	33	JPF	
JP-5	33	JPV	
JP-8	33	JPE	
Kaolin clay slurry	43		
Kerosene	33	KRS	
Ketone residue	18		
Kraft black liquor	5		KPL
Kraft pulping liquors *(Black, Green, or White)*	5	KPL	
+Lactic acid	0	LTA	
Lactonitrile solution	37	LNI	
+Latex (ammonia inhibited)	30	LTX	
Latex, liquid synthetic	43	LLS	LTX
Lauric acid	34	LRA	
Lignin liquor	43		
+Liquid Streptomyces solubles	43		
+Long chain alkaryl polyether (C11–C20)	41	LCP	
+Long chain alkaryl sulfonic acid (C16–C60)	0	LCS	
+Long chain alkylphenate/Phenol sulfide	21		
+Long chain polyetheramine in alkyl(C2–C4)benzenes	7	LCE	
Magnesium chloride solution	[1, 2]0		
+Magnesium long chain alkaryl sulfonate (C11–C50)	34	MAS	
+Magnesium long chain alkyl phenate sulfide (C8–C20)	34	MPS	
+Magnesium long chain alkyl salicylate (C11+)	34	MLS	
•Magnesium nonyl phenol sulfide, *see* **Magnesium long chain alkyl phenate sulfide (C8–C20)**	.....		MPS
•Magnesium sulfonate, *see* **Magnesium long chain sulfonate (C11–C50)**	34	MSE	MAS
Maleic anhydride	11	MLA	
Maleic anhydride copolymer	33		
Mercaptobenzothiazol, sodium salt solution	5		SMB
Mesityl oxide	[2]18	MSO	
Metam sodium solution	7	MSS	SMD
Methacrylic acid	4	MAD	
+Methacrylic resin in Ethylene dichloride	14	MRD	
Methacrylonitrile	15	MET	
Methane	31	MTH	
3-Methoxy-1-butanol	20		
3-Methoxybutyl acetate	34	MOA	
1-Methoxy-2-propyl acetate	34	MPO	
•*Methoxy triglycol*	*40*	*MTG*	
Methyl acetate	34	MTT	
Methyl acetoacetate	34	MAE	
Methyl acetylene, Propadiene mixture	30	MAP	
Methyl acrylate	14	MAM	
Methyl alcohol	[2]20	MAL	
+Methyl propyl ketone	18	MKE	
Methylamine	7	MTA	
Methylamine solutions	7	MSZ	
Methyl amyl acetate	34	MAC	
•Methyl amyl alcohol	20	MAA	MIC
Methyl amyl ketone	18	MAK	
Methyl bromide	36	MTB	
Methyl butenol	20	MBL	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Methyl butyl ketone	18	MBK	
Methyl tert-butyl ether	[2]41	MBE	
Methylbutynol	20	MBY	
3-Methyl butyraldehyde	19		
Methyl butyrate	34	MBU	
Methyl chloride	36	MTC	
Methylcyclohexane	31	MCY	
Methylcyclopentadiene dimer	30	MCK	
Methyl diethanolamine	8	MDE	MAB
+N-Methylglucamine solution	43	MGC	
4,4'-Methylene dianiline (43% or less), Polymethylene polyphenylamine, o-Dichlorobenzene mixtures	9	MDB	
2-Methyl-6-ethylaniline	9	MEN	
Methyl ethyl ketone	[2]18	MEK	
2-Methyl-5-ethylpyridine	9	MEP	
Methyl formal	41	MTF	
Methyl formate	34	MFM	
Methyl heptyl ketone	18	MHK	
2-Methyl-2-hydroxy-3-butyne	20	MHB	
Methyl isoamyl ketone	18		MAK
•Methyl isobutyl carbinol, *see* **Methyl amyl alcohol**	20	MIC	MAA
Methyl isobutyl ketone	[2]18	MIK	
Methyl methacrylate	14	MMM	
3-Methyl-3-methoxybutanol	20		
3-Methyl-3-methoxybutyl acetate	34		
Methyl naphthalene	32	MNA	
Methylolureas	19	MUS	
2-Methyl pentane	31		IHA
•2-Methyl-1-pentene, *see* **Hexene**	30	MPN	HEX
•4-Methyl-1-pentene, *see* **Hexene**	30	MTN	HEX
Methylpyridine	9		MPR/MPE/MPF
N-Methyl-2-pyrrolidone	9	MPY	
Methyl salicylate	34	MES	
alpha-Methylstyrene	30	MSR	
Metolachlor	34	MCO	
Mineral spirits	33	MNS	
Molasses	20		
Molasses residue	0		
Monochlorodifluoromethane	36	MCF	
Morpholine	[2]7	MPL	
Motor fuel antiknock compounds containing lead alkyls	[1]0	MFA	
Myrcene	30	MRE	
Naphtha:			
Coal tar solvent	33	NCT	
•*Cracking fraction*	[2]33		
Petroleum	33	PTN	
Solvent	33	NSV	
Stoddard solvent	33	NSS	
Varnish Makers' and Painters'	33	NVM	
Naphthalene	32	NTM	
Naphthalene sulfonic acid-formaldehyde copolymer, sodium salt solution	0	NFS	
Naphthalene sulfonic acid, sodium salt solution	34	NSA	
Naphthenic acid	4	NTI	
Naphthenic acid, sodium salt solution	43	NTS	
Neodecanoic acid	4	NEA	
Nitrating acid	[1]0	NIA	
Nitric acid (70% or less)	3	NCD	
Nitric acid (greater than 70%)	[1]0		NAC
Nitrobenzene	42	NTB	
•o-Nitrochlorobenzene, *see* **Chloronitrobenzene**	42		CNO/CNP
Nitroethane	42	NTE	
o-Nitrophenol	[1, 2]0	NTP	NIP/NPH
Nitropropane	42	NPM	NPN/NPP
Nitropropane, Nitroethane mixture	42	NNM	
Nitrotoluene	42	NIT	NIE/NTT/NTR
Nonane	31	NAX	NAN
Nonanoic acid	4	NNA	NAI/NIN
+Nonanoic, Tridecanoic acid mixture	4	NAT	
•Nonene	30	NOO	NON/NNE
+Nonyl acetate	34	NAE	
•Nonyl alcohol	[2]20	NNS	NNI/NNN/DBC
Nonyl methacrylate	14	NMA	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Nonyl phenol	21	NNP	
•*Nonyl phenol (ethoxylated)*	40		NPE
Nonyl phenol poly(4-12)ethoxylates	40	NPE	
•Nonyl phenol sulfide solution, *see* Alkyl phenol sulfide (C8–C40)	.....		AKS/NPS
Noxious Liquid Substance, n.o.s. (NLS's)	0		
1-Octadecene	30		
Octadecanoamide	10	ODD	
Octane	31	OAX	IOO/OAN
•Octanoic acid	4	OAY	OAA/EHO
•Octanol	[2]20	OCX	IOA/OTA/EHX
Octene	30	OTX	OTE
•n-Octyl acetate	34	OAF	OAE
•Octyl alcohol, *see* Octanol	[2]20	OCX	IOA/OTA
•Octyl aldehyde	19	OAL	IOC/OLX/EHA
Octyl decyl adipate	34	ODA	
Octyl epoxytallate	34	OET	
•Octyl nitrate, *see* Alkyl(C7–C9) nitrates	[2]34	ONE	AKN
Octyl phenol	21		
Oil, edible:			
•Babassu	34	OBB	VEO
•Beechnut	34	OBN	VEO
•Castor	34	OCA	VEO
•Cocoa butter	34	OCB	VEO
•Coconut	[2]34	OCC	VEO
•Cod liver	34	OCL	AFN
•Corn	34	OCO	VEO
•Cottonseed	34	OCS	VEO
•Fish	[2]34	OFS	AFN
•Grapeseed	34		VEO
•Groundnut	34	OGN	VEO
•Hazelnut	34	OHN	VEO
•Lanolin	34	OLL	AFN
•Lard	34	OLD	AFN
•Nutmeg butter	34	ONB	VEO
•Olive	34	OOL	VEO
•Palm	[2]34	OPM	VEO
•Palm kernel	34	OPO	VEO
•Peanut	34	OPN	VEO
•Poppy	34	OPY	VEO
•Poppy seed	34		VEO
•Raisin seed	34	ORA	VEO
•Rapeseed	34	ORP	VEO
•Rice bran	34	ORB	VEO
•Safflower	34	OSF	VEO
•Salad	34	OSL	VEO
•Sesame	34	OSS	VEO
•Soya bean	34	OSB	VEO
•Sunflower seed	34	OSN	VEO
•Tucum	34	OTC	VEO
•Vegetable	34	OVG	VEO
•Walnut	34	OWN	VEO
Oil, fuel:			
No. 1	33	ODN	
No. 1-D	33	ODD	
No. 2	33	OTW	
No. 2-D	33	OTD	
No. 4	33	OFR	
No. 5	33	OFV	
No. 6	33	OSX	
Oil, misc:			
Absorption	33	OAS	
Aliphatic	33		
•Animal	34	OMA	AFN
Aromatic	33		
Clarified	33	OCF	
Coal	33		
Coconut oil, fatty acid methyl ester	34	OCM	
Cotton seed oil, fatty acid	34	CFY	
Crude	33	OIL	
Diesel	33	ODS	
Heartcut distillate	33		

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
+Lanolin	34	OLL	AFN
Linseed	33	OLS	
Lubricating	33	OLB	
Mineral	33	OMN	
Mineral seal	33	OMS	
Motor	33	OMT	
•Neatsfoot	33	ONF	AFN
Oiticica	34	OOI	
Palm oil, fatty acid methyl ester	34	OPE	
Penetrating	33	OPT	
+Perilla	34	OPR	
+Pilchard	34	OPL	AFN
Pine	33	OPI	
Range	33	ORG	
Residual	33		
Resin	33	ORS	
Resinous petroleum	33		
Road	33	ORD	
Rosin	33	ORN	
Seal	34		
Soapstock	34	OIS	
Soybean (epoxidized)	40		EVO
•Sperm	33	OSP	AFN
Spindle	33	OSD	
Spray	33	OSY	
Tall	34	OTL	
Tall, fatty acid	[2]34	TOF	
Tanner's	33	OTN	
Transformer	33	OTF	
Tung	34	OTG	
Turbine	33	OTB	
White (mineral)	33		
+Olefin/Alkyl ester copolymer (molecular weight 2000+)	34	OCP	
Olefin mixtures	30		OFX/OFY
alpha-Olefins (C6–C18) mixtures	30	OAM	
•Olefins (C13+)	30		
Oleic acid	34	OLA	
Oleum	[1, 2]0	OLM	
+Oleylamine	10	OLY	
Oxyalkylated alkyl phenol formaldehyde	33		
•Palm kernel oil, fatty acid, *see* Palm kernel acid oil	.....		
+Palm kernel acid oil	34	PNO	
•Palm kernel oil, fatty acid methyl ester, *see* Palm kernel acid oil, methyl ester	.....		
+Palm kernel acid oil, methyl ester	34	PNF	
Palm stearin	34	PMS	
•n-Paraffins (C10–C20), *see* n-Alkanes (C10+)	31	PFN	
Paraldehyde	19	PDH	
Pentachloroethane	36	PCE	
•Pentadecanol, *see* Alcohols (C13+)	20	PDC	ALY
1,3-Pentadiene	30	PDE	PDN
+Pentaethylenehexamine	7	PEN	
Pentaethylenehexamine, Tetraethylenepentamine mixture	7	PEP	
Pentane	31	PTY	IPT/PTA
+Pentanoic acid	4	POC	
Pentene	30	PTX	PTE
Pentene, Miscellaneous hydrocarbon mixture	[2]30		
3-Pentenenitrile	37	PNT	
Pentyl aldehyde	19		
+n-Pentyl propionate	34	PPE	
Perchloroethylene	36	PER	
Petrolatum	33	PTL	
Phenol	21	PHN	
1-Phenyl-1-xylyl ethane	32	PXE	
Phosphoric acid	1	PAC	
Phosphorus	[1]0		PPW/PPR/PPB
Phthalic anhydride	11	PAN	
+alpha-Pinene	30	PIO	
+beta-Pinene	30	PIP	
•Pinene	30	PIN	PIO/PIP
•Pine oil	33	POL	OPI
Polyalkenyl succinic anhydride amine	33		

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Polyalkyl(C18–C22) acrylate in Xylene	14	PIX	
+*Polyalkyl methacrylate (C1–C20)*	*14*	*PMT*	
+Polyalkylene glycol butyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	PGB	PAG
+Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	PAG	
+Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetate	34	PAF	
Polyalkylene glycols, Polyalkylene glycol monoalkyl ethers mixtures	40	PPX	
Polyalkylene oxide polyol	20	PAO	
Polybutadiene, hydroxyl terminated	20		
Polybutene	30	PLB	
+Poly(2+)cyclic aromatics	32	PCA	
Polydimethylsiloxane	34		
+Polyether (molecular weight 2000+)	41	PYR	
Polyethylene glycol	40		
Polyethylene glycol dimethyl ether	40		
+Polyethylene glycol monoalkyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	PEE	PAG
Polyethylene glycol monoalkyl ether	40	PEE	
Polyethylene polyamines	[2]7	PEB	
Polyferric sulfate solution	34	PSS	
+Polyglycerine, Sodium salts solution (containing less than 3% Sodium hydroxide)	[2]20	PGT	
Polyglycerol	20		GCR
+Poly(4+)isobutylene	30		
Polymethylene polyphenyl isocyanate	12	PPI	
Polymethylsiloxane	34		
+Polyolefin (molecular weight 300+)	30		
+Polyolefin amide alkeneamine (C28+)	7	POD	
+Polyolefin amide alkeneamine borate (C28–C250)	34	PAB	
+Polyolefin amide alkeneamine molybdenum oxysulfide	7		
+Polyolefin amide alkeneamine polyol	7	PAP	
+Polyolefinamine in alkyl(C2–C4)benzenes	7	POF	
+Polyolefin anhydride	11	PAR	
+Polyolefin ester (C28–C250)	34	POS	
+Polyolefin phenolic amine (C28–C250)	7	PPH	
+Polyolefin phosphorosulfide, barium derivative (C28–C250)	34	PPS	
Poly(20)oxyethylene sorbitan monooleate	34	PSM	
Polypropylene	30	PLP	
+Poly(5+)propylene	30		
Polypropylene glycol	40	PGC	
Polypropylene glycol methyl ether	40	PGM	
•Polysiloxane	34		DMP
+Potassium chloride solution	43	PCS	(DRB)
Potassium hydroxide solution	[2]5		CPS
Potassium oleate	34	POE	
+Potassium thiosulfate solution	0	PTF	
Propane	31	PRP	
+Propanil, Mesityl oxide, Isophorone mixture	7	PMI	
Propanolamine	8	PAX	MPA/PLA
Propionaldehyde	19	PAD	
Propionic acid	4	PNA	
Propionic anhydride	11	PAH	
Propionitrile	37	PCN	
+n-Propoxypropanol, *see* Propylene glycol monoalkyl ether			PGE
n-Propoxypropanol	40	PXP	
Propyl acetate	34		IAC/PAT
Propyl alcohol	[2]20		IPA/PAL
Propylamine	7		IPP/PRA/IPO
Propylbenzene	32	PBZ	
+n-Propyl chloride	36	PRC	
Iso-Propylcyclohexane	31	IPX	
Propylene	30	PPL	
Propylene-butylene copolymer	30	PBP	
Propylene dimer	30	PDR	
Propylene glycol	[2]20	PPG	
+Propylene glycol methyl ether acetate	34	PGN	
+Propylene glycol n-butyl ether, *see* Propylene glycol monoalkyl ether	40	PGD	PGE
•Propylene glycol ethyl ether, *see* Propylene glycol monoalkyl ether	40	PGY	PGE
•Propylene glycol methyl ether, *see* Propylene glycol monoalkyl ether	40	PME	PGE
Propylene glycol monoalkyl ether	40	PGE	PME/PGY
+Propylene glycol phenyl ether	40	PGP	
+Propylene glycol propyl ether, *see* Propylene glycol monoalkyl ether	40		PGE
Propylene oxide	16	POX	
Propylene tetramer	30	PTT	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Propylene trimer	30	PTR	
Propyl ether	41		IPE/PRE
•Pseudocumene, *see* **Trimethylbenzene**	32		TME/TRF
Pyridine	9	PRD	
Pyridine bases	9	PRB	
Rosin oil	33	ORN	
Rosin soap (disproportionated) solution	43	RSP	
•Rum, *see* **Alcoholic beverages**	20		
Salicylaldehyde	19	SAL	
Sewage sludge	43		
+Sodium acetate, Glycol, Water mixture (not containing Sodium hydroxide)	[2]34	SAO	SAP
+Sodium acetate, Glycol, Water mixture (containing Sodium hydroxide)	5	SAP	SAO
Sodium acetate solution	34	SAN	
Sodium alkyl sulfonate solution	43	SSU	
Sodium aluminate solution	5	SAU	
Sodium benzoate solution	34	SBN	
Sodium borohydride, Sodium hydroxide solution	5	SBX	SBH/SBI
Sodium carbonate solutions	5	SCE	
Sodium chlorate solution	[1, 2]0	SDD	SDC
Sodium cyanide solution	5	SCS	SCN
Sodium dichromate solution	[1, 2]0	SDL	SCR
Sodium dimethyl naphthalene sulfonate solution	[2]34		DNS
Sodium hydrogen sulfide, Sodium carbonate solution	[2]0	SSS	
Sodium hydrogen sulfite solution	43	SHX	
Sodium hydrosulfide solution	[2]5	SHR	
Sodium hydrosulfide, Ammonium sulfide solution	[2]5	SSA	
Sodium hydroxide solution	[2]5		CSS
Sodium hypochlorite solution	5	SHP	SHC
+Sodium long chain alkyl salicylate (C13+)	34	SLS	
Sodium 2-mercaptobenzothiazol solution	5	SMB	
Sodium naphthalene sulfonate solution	34	SNS	
Sodium nitrite solution	5	SNI	SNT
Sodium polyacrylate solution	[2]43		
Sodium salt of Ferric hydroxyethylethylenediaminetriacetic acid solution	43	STA	FHX
Sodium silicate solution	[2]43	SSN	SSC
Sodium sulfide, Hydrosulfide solution	[1, 2]0		SSH/SSI/SSJ
+Sodium sulfide solution	43	SDR	
+Sodium sulfite solution	43	SUP	SUS
+Sodium tartrates and mono-/di-succinate solution	43	STM	
Sodium thiocyanate solution	[1, 2]0	STS	SCY
Sorbitol solutions	20		SBT
•Stearic acid, *see* **Fatty acids (saturated, C13+)**	34	SRA	FAD
+Stearyl alcohol	20		
Styrene	30	STY	STX
Sulfolane	39	SFL	
+Sulfohydrocarbon (C3–C88)	33	SFO	
+Sulfohydrocarbon, long chain (C18+) alkylamine mixture	7	SFX	
+Sulfonated polyacrylate solutions	[2]43		
Sulfur	[1]0	SXX	
Sulfuric acid	[2]2	SFA	
Sulfuric acid, spent	2	SAC	
Tall oil	34	OTL	
+Tall oil fatty acid, barium salt	0	TOB	
Tall oil soap (disproportionated) solution	43	TOS	
Tallow	[2]34	TLO	
Tallow fatty acid	[2]34	TFD	
•Tallow fatty alcohol, *see* **Alcohols (C13+)**	20	TFA	ALY
Tallow nitrile	37		
1,1,2,2-Tetrachloroethane	36	TEC	
•Tetradecanol, *see* **Alcohols (C13+)**	20	TTN	ALY
•Tetradecene, *see the olefins entires*	30	TTD	
Tetradecylbenzene	32	TDB	AKB
Tetraethylene glycol	40	TTG	
Tetraethylenepentamine	7	TTP	
Tetrahydrofuran	41	THF	
Tetrahydronaphthalene	32	THN	
•1,2,3,5-Tetramethylbenzene, *see* **Tetramethylbenzene**	32	TTB	
+Tetramethylbenzene	32	TTC	TTB
Tetrasodium salt of EDTA solution	43		EDS
Titanium tetrachloride	2	TTT	
Toluene	32	TOL	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Toluenediamine	9	TDA	
Toluene diisocyanate	12	TDI	
o-Toluidine	9	TLI	
•Triaryiphosphate, *see* **Triisopropylated phenyl phosphates**	34		TPL
Tributyl phosphate	34	TBP	
1,2,4-Trichlorobenzene	36	TCB	
1,1,1-Trichloroethane	[2]36	TCE	
1,1,2-Trichloroethane	36	TCM	
Trichloroethylene	[2]36	TCL	
1,2,3-Trichloropropane	36	TCN	
1,1,2-Trichloro-1,2,2-trifluoroethane	36	TTF	
Tricresyl phosphate	34		TCO/TCP
•Tridecane, *see* **n-Alkanes (C10+)**	31	TRD	
+Tridecanoic acid	34		
•Tridecanol, *see* **Alcohols (C13+)**	20	TDN	ALY
•Tridecene, *see* **Olefins (C13+)**	30	TDC	
+Tridecyl acetate	34	TAE	
Tridecylbenzene	32	TRB	AKB
Triethanolamine	[2]8	TEA	
Triethylamine	7	TEN	
Triethylbenzene	32	TEB	
Triethylene glycol	40	TEG	
Triethylene glycol butyl ether	40		
Triethylene glycol butyl ether mixture	40		
Triethylene glycol di-(2-ethylbutyrate)	34	TGD	
Triethylene glycol ether mixture	40		
•Triethylene glycol ethyl ether, *see* **Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether**	40	TGE	PAG
+Triethylene glycol methyl ether, *see* Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether	40	TGY	PAG
Triethylenetetramine	[2]7	TET	
Triethyl phosphate	34	TPS	
Triethyl phosphite	[2]34	TPI	
+Trifluralin In Xylene	18	TFX	
Triisobutylene	30	TIB	
Triisooctyl trimellitate	34		
Triisopropanolamine	8	TIP	
Triisopropanolamine salt of 2,4-Dichlorophenoxyacetic acid solution	43		DTI
+Triisopropylated phenyl phosphates	34	TPL	
Trimethylacetic acid	4	TAA	
+Trimethylamine solution	7	TMT	
Trimethylbenzene	32	TRE	TME/TMB/TMD
Trimethylhexamethylenediamine (2,2,4- and 2,4,4-)	7	THA	
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4-)	12	THI	
Trimethylol propane polyethoxylate	20	TPR	
•*2,2,4-Trimethyl pentanediol-1,3-diisobutyrate, see* **2,2,4-Trimethyl-1,3-pentanediol diisobutyrate**	.....		
+2,2,4-Trimethyl-1,3-pentanediol diisobutyrate	34		
2,2,4-Trimethyl-1,3-pentanediol-1-isobutyrate	34	TMP	
2,2,4-Trimethyl-3-pentanol-1-isobutyrate	34		
Trimethyl phosphite	[2]34	TPP	
+Triphenylborane , Caustic soda solution	5	TPB	
•Tripropylene, *see* **Propylene trimer**	30		PTR
Tripropylene glycol	40	TGC	
•Tripropylene glycol methyl ether, *see* **Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether**	40	TGM	PAG
Trisodium nitrilotriacetate	34		
+Trisodium phosphate solution	5	TSP	
Trixylenyl phosphate	34	TRP	
Turpentine	30	TPT	
Undecanoic acid	4	UDA	
Undecanol	20		UND
Undecene	30	UDC	
Undecyl alcohol	20	UND	
Undecylbenzene	32	UDB	AKB
Urea, Ammonium mono- and di-hydrogen phosphate, Potassium chloride solution	0	UPX	
Urea, Ammonium nitrate solution (containing Ammonia)	6	UAS	
•Urea, Ammonium nitrate solution (not containing Ammonia)	43	UAT	ANU
Urea, Ammonium phosphate solution	43	UAP	
Valeraldehyde	19		IVA/VAL/VAK
Vanillin black liquor	5	VBL	
+Vegetable acid oils and distillates, n.o.s.	34	VAO	
+Vegetable oils, n.o.s.	34	VEO	
Vegetable protein solution	43		
Vinyl acetate	13	VAM	

TABLE I—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	CHRIS code	Related CHRIS codes
Vinyl acetate-Fumarate copolymer	34		
Vinyl chloride	35	VCM	
Vinyl ethyl ether	13	VEE	
Vinylidene chloride	35	VCI	
Vinyl neodecanate	13	VND	
Vinyltoluene	13	VNT	
Waxes:	.....	WAX	
Camauba	34	WCA	
Paraffin	31	WPF	
White spirit (low (15-20%) aromatic)	33	WSL	WSP
Xylene	32	XLX	XLM/XLO/XLP
Xylenols	21	XYL	
+Zinc alkaryl dithiophosphate (C7–C16)	34	ZAD	
+Zinc alkyl dithiophosphate (C3–C14)	34	ZAP	
Zinc bromide, Calcium bromide solution, *see* Drilling brine (containing Zinc salts)	43		DZB

+ denotes newly added products.
Items with a bullet (•) or in **boldface** are changes per CGD 92-100.

[1] Because of very high reactivity or unusual conditions of carriage or potential compatibility problems, this product is not assigned to a specific group in the Compatibility Chart. For additional compatibility information, contact Commandant (G-MTH), U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593–0001. Telephone (202) 267–1577.
[2] See Appendix I—Exceptions to the Chart.

* * * * *

16. In Table II, add the following new entries in the designated Compatibility Groups, in chemically proper alphabetized order:

Table II—Grouping of Cargoes

* * * * *

0. Unassigned Cargoes

Decyloxytetrahydro-thiophene dioxide
Dodecyl hydroxypropyl sulfide
Lactic acid
Long chain alkaryl sulfonic acid (C16-C60)
Potassium thiosulfate solution
Tall oil fatty acid, barium salt

1. Non-Oxidizing Mineral Acids

Fluorosilicic acid

4. Organic Acids

Citric acid
Glyoxylic acid
Nonanoic, Tridecanoic acid mixture
Pentanoic acid

5. Caustics

Cresylic acid tar
Sodium acetate, Glycol, Water mixture (containing Sodium hydroxide)
Triphenylborane , Caustic soda solution
Trisodium phosphate solution

7. Aliphatic Amines

Calcium long chain phenolic amine (C8-C40)
Diphenylamine, reaction product with 2,2,4-Trimethylpentene
Diphenylamines, alkylated
Dodecyldimethylamine, Tetradecyldimethylamine mixture
Long chain polyetheramine in alkyl(C2-C4)benzenes
Oleylamine
Pentaethylenehexamine
Polyolefin amide alkeneamine (C28+)
Polyolefin amide alkeneamine molybdenum oxysulfide
Polyolefin amide alkeneamine polyol
Polyolefinamine in alkyl(C2-C4)benzenes
Polyolefin phenolic amine (C28-C250)
Propanil, Mesityl oxide, Isophorone mixture
Sulfohydrocarbon, long chain (C18+) alkylamine mixture
Trimethylamine solution

10. Amides

Alkenyl(C11+)amide

11. Organic Anhydrides

Alkenylsuccinic anhydride
Polyolefin anhydride

14. Acrylates

Methacrylic resin in Ethylene dichloride
Polyalkyl methacrylate (C1-C20)

18. Ketones

Methyl propyl ketone
Trifluralin in Xylene

20. Alcohols, Gylcols

Cetyl-Stearyl alcohol
Glycerine, Dioxanedimethanol mixture
Hexamethylene glycol
Octanol [2]
Polyglycerine, Sodium salts solution (containing less than 3% Sodium hydroxide) [2]
Stearyl alcohol

21. Phenols, Cresols

Cresylic acid, dephenolized
Long chain alkylphenate/Phenol sulfide

30. Olefins

Aryl polyolefin (C11-C50)
Ethylene-Propylene copolymer
Latex (ammonia (1% or less) inhibited)
alpha-Pinene
beta-Pinene
Poly(4+)isobutylene
Polyolefin (molecular weight 300+)
Poly(5+)propylene

31. Paraffins

Alkanes (C8-C9)
iso- & cyclo-Alkanes (C10-C11)
Ethyl cyclohexane

32. Aromatic Hydrocarbons

Alkyl(C3-C4)benzenes
Alkyl(C5-C8)benzenes
Alkyl(C9+)benzenes
Alkylbenzene/-indane/-indene mixture (C12-C17 total carbon)
Dodecyl xylene
Poly(2+)cyclic aromatics

33. Miscellaneous Hydrocarbon Mixtures

Alachlor technical
Alkyl dithiothiadiazole (C6-C24)
Sulfohydrocarbon (C3-C88)

34. Esters

Alkane (C14-C17) sulfonic acid, sodium salt solution
Alkyl(C8+)amine, Alkenyl (C12+) acid ester mixture
Alkyl ester copolymer (C6-C18)
Alkyl(C7-C9) nitrates [2]
Alkyl phenol sulfide (C8-C40)
Animal and Fish oils, n.o.s.
Animal and Fish acid oils and distillates, n.o.s.
Barium long chain alkaryl sulfonate (C11-C50)
Barium long chain alkyl(C8-C14)phenate sulfide
n-Butyl propionate
Calcium alkyl(C9)phenol sulfide, polyolefin phosphorosulfide mixture
Calcium long chain alkaryl sulfonate (C11-C50)
Calcium long chain alkyl phenate (C8-C40)
Calcium long chain alkyl phenate sulfide (C8-C40)
Calcium long chain alkyl salicylate (C13+)
Cobalt naphthenate in solvent naphtha
Decyl acetate
Dibutyl hydrogen phosphonate

Magnesium long chain alkaryl sulfonate (C11-C50)
Magnesium long chain alkyl phenate sulfide (C8-C20)
Magnesium long chain alkyl salicylate (C11+)
Nonyl acetate
n-Octyl acetate
Oil, edible:
Beechnut
Cocoa butter
Cod liver
Grapeseed
Groundnut
Hazelnut
Lanolin
Nutmeg butter
Poppy
Poppy seed
Raisin seed
Salad
Sesame
Walnut
Oil, misc:
Animal
Lanolin
Pilchard
Perilla
Olefin/Alkyl ester copolymer (molecular weight 2000+)
n-Pentyl propionate
Poly(2-8)alkylene glycol monoalkyl(C1-C8) ether acetate
Polyolefin amide alkeneamine borate (C28-C250)
Polyolefin ester (C28-C250)
Polyolefin phosphorosulfide, barium derivative (C28-C250)
Propylene glycol methyl ether acetate
Sodium acetate, Glycol, Water mixture (not containing Sodium hydroxide)[2]
Sodium long chain alkyl salicylate (C13+)
Tridecanoic acid
Tridecyl acetate
Triisopropylated phenyl phosphates
Vegetable acid oils and distillates, n.o.s.
Vegetable oils, n.o.s.
Zinc alkaryl dithiophosphate (C7-C16)
Zinc alkyl dithiophosphate (C3-C14)

36. Halogenated Hydrocarbons

1,6-Dichlorohexane
n-Propyl chloride

40. Glycol Ethers

Diethylene glycol diethyl ether
Diethylene glycol n-hexyl ether
Diethylene glycol propyl ether
Dipropylene glycol butyl ether
Ethylene glycol hexyl ether
Ethylene glycol methyl butyl ether
Ethylene glycol monoalkyl ethers
Hexaethylene glycol
Polyalkylene glycol butyl ether
Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
Polyethylene glycol monoalkyl ether
Propylene glycol n-butyl ether
Propylene glycol phenyl ether
Propylene glycol propyl ether
Triethylene glycol methyl ether

41. Ethers

Alkaryl polyether (C9-C20)
Long chain alkaryl polyether (C11-C20)
Polyether (molecular weight 2000+)

43. Miscellaneous Water Solutions

Diethylenetriamine pentaacetic acid, pentasodium salt solution
Hexamethylenediamine adipate solution
Liquid Streptomyces solubles
N-Methylglucamine solution
Potassium chloride solution
Sodium sulfide solution
Sodium sulfite solution
Sodium tartrates and mono-/di-succinate solution
Sulfonated polyacrylate solutions[2]

* * * * *

Appendix I [Amended]

17. In appendix I (a), add the words "Isobutyl alcohol" in chemically proper alphabetized order in the column "Compatible with" for the entry "Caustic potash, 50% or less (5)" in the "Member of reactive group" column.

18. In appendix I (b), add the following new entries in chemically proper alphabetized order to read as follows:

* * * * *

Acrylonitrile (15) is not compatible with Group 5 (Caustics).
Alkyl(C7-C9) nitrates (34) is not compatible with Group 1, Non-oxidizing Mineral Acids.
1,4-Butylene glycol (20) is not compatible with Caustic soda solution, 50% or less (5).
Caustic soda solution, 50% or less (5) is not compatible with 1,4-Butylene glycol (20).
Methacrylonitrile (15) is not compatible with Group 5 (Caustics).
Polyglycerine, Sodium salts solution (20) is not compatible with Groups 1, 4, 11, 16, 17, 19, 21 and 22.
Sodium acetate, Glycol, Water mixture (1% or less Sodium hydroxide) (34) is not compatible with Group 12 (Isocyanates).
Sulfonated polyacrylate solution (43) is not compatible with Group 5 (Caustics).

* * * * *

19. Appendix I (b) is further revised as follows:

(a) Remove the words "Octyl nitrates (all isomers) (34) is not compatible with Group 1, Non-oxidizing Mineral Acids." and add, in their place, the words "Octyl nitrates (all isomers), *see* Alkyl(C7–C9) nitrates.".

(b) Remove the entry "Naphthas, cracking fraction (33) is not compatible with strong acids, caustics or oxidizing agents." in its entirety.

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

20. The authority citation for Part 151 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703; 49 CFR 1.46.

Table 151.05 [Amended]

21. In Table 151.05, remove all boldfaced type wherever it may appear and add, in its place, Roman type.

22. In table 151.05, amend the "Cargo identification/Name" column, as follows:

(a) For the entry "Carbon dioxide, liquid", remove the word "liquid" and add, in its place, the word "*liquefied*".

(b) For the entry "Phosphorous, elemental", remove the word "elemental" and add, in its place, the words "white (*elemental*)".

(c) For the entry "Sodium aluminate solution", add "(45% or less)" following the word "solution".

(d) For the entry "Sodium hypochlorite solution (15% or less)", remove "15%" and add, in its place, "20%".

Table 151.05 [Amended]

23. In table 151.05 amend the entry "Motor fuel anti-knock compounds (containing lead alkyls)" and the entry "Sodium chlorate solution (50% or less)", in the "Special requirements" column, by adding ".50–73" in bold face type, in numerical order.

24. In table 151.05, remove the following entries in their entirety:

(a) iso-Butyraldehyde,

(b) n-Butyraldehyde,

(c) Hydrofluorosilicic acid (25% or less),

(d) Octyl nitrates (all isomers).

25. In table 151.05, add the following new entries in chemically proper alphabetized order:

* * * * *

TABLE 151.05—SUMMARY OF MINIMUM REQUIREMENTS

Cargo identification			Hull type	Cargo segregation tank	Tanks			Cargo transfer		Environmental control		Fire protection required	Special requirements (section in 46 CFR part 151)	Electrical hazard class-group	Temp. control install	Tank internal inspect period—years
Name	Pressure	Temp.			Type	Vent	Gauging device	Piping class	Control	Cargo tanks	Cargo handling space					
Alkyl(C7-C9) nitrates	Atmos.	Amb.	III	1i 2i	Integral Gravity.	Open	Open	II	G-1	NR	Vent N	Yes	.50-81 ..... .50-86	NA	NA	G
•iso-Butyraldehyde, *see* **Butyraldehyde (all isomers)**.																
•n-Butyraldehyde, *see* **Butyraldehyde (all isomers)**.																
Butyraldehyde (all isomers).	Atmos.	Amb.	III	1i 2ii	Integral Gravity.	PV	Open	II	G-1	NR	Vent F	Yes	.55-1(h) ...	I-C	NA	G
Chloronitrobenzene	Atmos.	Amb.	I	1ii 2ii	Integral Gravity.	PV	Closed	I	G-1	NR	Vent F	Yes	.50-5 ..... .50-73	NA	NA	G
Odecyldimethylamine, Tetradecyldimethylamine mixture.	Atmos.	Amb.	III	1i 2i	Integral Gravity.	Open	Open	II	G-1	NR	Vent N	Yes	.56-1(b) ...	NA	NA	G
Ethylene glycol monoalkyl ethers.	Atmos.	Amb.	III	1i; 2i	Integral Gravity..	PV	Restr.	II	G-1	NR	Vent F	Yes	No	I-C	NA	G
Ethylene glycol hexyl ether.	Atmos.	Amb.	III	1i; 2i	Integral Gravity..	Open	Open	II	G-1	NR	Vent N	Yes	No	NA	NA	G
Fluorosilicic acid (30% or less).	Atmos.	Amb.	II	1ii 2ii	Ind. Gravity .	PV	Closed	II	G-1	NR	Vent F	No	.50-20 ..... .50-22 ..... .50-73 ..... .50-77	I-B	NA	4
•Hydrofluorosilicic acid (25% or less), *see* **Fluorosilicic acid (30% or less)**.																
o-Nitrotoluene	Atmos.	Amb.	I	1ii 2ii	Integral Gravity.	PV	Closed	I	G-1	NR	Vent F	Yes	.50-5 ..... .50-73	I-D	NA	G

TABLE 151.05—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo identification			Hull type	Cargo segregation tank	Tanks			Cargo transfer		Environmental control		Fire protection required	Special requirements (section in 46 CFR part 151)	Electrical hazard class-group	Temp. control install	Tank internal inspect period—years
Name	Pressure	Temp.			Type	Vent	Gauging device	Piping class	Control	Cargo tanks	Cargo handling space					
•Octyl nitrates (all isomers), *see* **Alkyl(C7-C9) nitrates.**																
•			•		•		•		•			•		•		
1,2,4-Trichlorobenzene.	Atmos.	Amb.	III	1i 2ii	Integral	PV	Restr.	II	G-1	NR	Vent F	Yes	No	I-D	NA	G
•			•		•		•		•			•		•		
Triphenylborane (10% or less), Caustic soda solution.	Atmos.	Amb.	III	1i 2i	Integral	Open	Open	II	G-1	NR	NR	No	.56-1(a), (b), (c).		NA	NA	G
Trisodium phosphate solution.	Atmos.	Amb. Elev.	III	1i 2i	Integral	Open	Open	II	G-1	NR	NR	No	.50-73 ..... .56-1(a), (c)		NA	NA	G
•			•		•		•		•			•		•		

Items with a bullet (•) or in **boldface** are changes per CGD 92-100.

* * * * *

§ 151.12-5 [Amended]

26. In § 151.12-5, add the following new entry in chemically proper alphabetized order to the list of Category D NLSs:

* * * * *

Ethylene glycol monoalkyl ethers

* * * * *

§ 151.50-20 [Amended]

27. In § 151.50-20(b)(1), add the words "Fluorosilicic Acid-50 pounds per square inch gauge." before the entry "Hydrochloric Acid-50 pounds per square inch gauge." and remove the words "Hydrofluorosilicic Acid-50 pounds per square inch gauge." and add, in their place, the words "*Hydrofluorosilicic Acid, see* Fluorosilicic Acid.".

28. In § 151.50-20(k), add the words "fluorosilicic acid in § 151.50-77," before the entry "hydrochloric acid in § 151.50-22" and remove the words "hydrofluorosilicic acid in § 151.50-77" and add, in their place, the words "*hydrofluorosilicic acid, see* fluorosilicic acid,".

§ 151.50-77 [Amended]

29. The section heading for § 151.50-77 is revised to read as follows:

§ 151.50-77 Fluorosilicic acid (30% or less) (hydrofluorosilicic acid).

§ 151.50-86 [Amended]

30. The section heading for § 151.50-86 is revised to read as follows:

§ 151.50-86 Alkyl(C7–C9) nitrates.

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

31. The authority citation for Part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; 49 CFR 1.46. Section 153.40 issued under 49 U.S.C. 1804. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903 (b).

Part 153—[Amended]

32. In part 153, remove "(G–MSC)" wherever it appears and add in its place, "(MSC)".

33. In § 153.0, paragraphs (b)(1) and (b)(3) through (b)(6) are revised to read as follows:

§ 153.0 Availability of materials.

* * * * *

(b) * * *

(1) IMO Secretariat, Publications section, 4 Albert Embankment, London SE1 7SR, United Kingdom, Telex 23588;

(2) * * *

(3) Baker, Lyman & Company, 3220 South I–10 Service Road, Metairie, LA 70001.

(4) UNZ & Company, 190 Baldwin Avenue, Jersey City, NJ 07306.

(5) Southwest Instrument Company, 235 West 7th Street, San Pedro, CA 90731.

(6) Marine Education Textbooks, 124 North Van Avenue, Houma, LA 70363–5895.

§ 153.9 [Amended]

34. In § 153.9(a), footnote 2 is removed.

§ 153.560 [Amended]

35. The section heading to § 153.560 is revised to read as follows:

§ 153.60 Special requirements for Alkyl(C7–C9) nitrates.

Table 1—[Revised]

36. Table 1 is revised to read as follows:

* * * * *

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Acetic acid	D	S	III	4m	PV	Restr	A	.238(a), .527, .554	I–D
Acetic anhydride	D	S	II	4m	PV	Restr	A	.238(a), .526, .527, .554.	I–D
Acetone cyanohydrin	A	S/P	II	B/3	PV	Closed	A	.238(a), .316, .336, .408, .525, .526, .527, .912(a)(2), .933, .1002, .1004, .1020, .1035.	I–D
Acetonitrile	III	S	II	B/3	PV	Restr	A	.525, .526, .1020	I–D
Acrylamide solution (50% or less)	D	S	II	NR	Open	Closed	NSR	.409, .525(a), (c), (d), (e), .912(a)(1), .1002(a), .1004, .1020.	NA
•Acrylic acid	D	S	III	4m	PV	Restr	A	.238(a), .526, .912(a)(1), .933, .1002(a), .1004.	I–D
Acrylonitrile	B	S/P	II	B/3	PV	Closed	A	.236(a), (c), (d), .316, .408, .525, .526, .527, .912(a)(1), .1004, .1020.	I–D
Adiponitrile	D	S	III	4m	PV	Restr	A	.526	I–D
+Alachlor technical (90% or more)	B	S/P	III	NR	Open	Open	A,C	.238(a), .409, .440, .488, .908(a),(b).	NA
Alcohol(C6–C17)(secondary) poly(3–6)ethoxylates.	A	P	II	NR	Open	Open	A	.409	NA

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Alcohol(C6–C17)(secondary) poly(7–12)-ethoxylates.	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(a), (b).	NA
•Alcohol(C12–C15) poly(1–3)ethoxylates, *see* **Alcohol(C12–C15) poly(1–6)ethoxylates.**									
•Alcohol(C12–C15) poly(3–11)ethoxylates, *see* **Alcohol(C12–C15) poly(1–6)** *or* **poly(7–19)ethoxylates.**									
+Alcohol(C12–C15) poly(1–6)ethoxylates.	B	P	II	NR	Open ...	Open ...	A	.409	NA
+Alcohol(C12–C15) poly(7–19)ethoxylates.	B	P	III	NR	Open ...	Open ...	A	.409, .908(a)	NA
+Alcohol(C12–C15) poly(20+)ethoxylates.	C	P	III	NR	Open ...	Open ...	A	None	NA
+Alkanes(C6–C9) (*all isomers*)	(C)	P	III	4m	PV	Restr	A	.409	I–D
+Alkane(C14–C17) sulfonic acid, sodium salt solution (65% or less).	B	P	III	NR	Open ...	Open ...	No	.440, .908(a)	NA
+Alkaryl polyether (C9–C20)	B	P	III	NR	Open ...	Open ...	A	.409; (.440, .903, .908(a)) [1].	NA
Alkyl acrylate-Vinyl pyridine copolymer in Toluene.	C	P	III	4m	PV	Restr	A	.409	NA
+Alkyl(C3–C4)benzenes (*all isomers*).	A	P	III	4m	PV	Restr	A	.409	I–D
+Alkyl(C5–C8)benzenes (*all isomers*).	A	P	II	NR	Open ...	Open ...	A	.409	I–D
+Alkylbenzene/–Indane/–Indene mixture (C12–C17 total carbon).	A	P	II	NR	Open ...	Open ...	A	.409	NA
Alkylbenzenesulfonic acid *(greater than 4%)*.	C	S/P	III	NR	Open ...	Open ...	A, B	.440, .908(a)	NA
Alkylbenzenesulfonic acid, sodium salt solution.	C	P	III	NR	Open ...	Open ...	NSR	.440, .903, .908(a), (b).	NA
+Alkyl(C7–C9) nitrates	A	S/P	II	NR	Open ...	Open ...	A,B	.409, .560, .1002	NA
Allyl alcohol	B	S/P	II	B/3	PV	Closed .	A	.316, .408, .525, .526, .527, .933, .1020.	I–C
Allyl chloride	B	S/P	II	B/3	PV	Closed .	A	.316, .408, .525, .526, .527, .1020.	I–D
Aluminum chloride (30% or less), Hydrochloric acid (20% or less) solution.	D	S	III	4m	PV	Restr	NSR	.252, .526, .527, .554, .557, .933, .1045, .1052.	I–B
2-(2-Aminoethoxy) ethanol	D	S	III	NR	Open ...	Open ...	A, C, D	.236(b), (c), .409	NA
Aminoethylethanolamine	D	S	III	NR	Open ...	Open ...	A	.236(a), (b), (c), (g) ...	NA
N-Aminoethylpiperazine	D	S	III	4m	PV	Restr	A	.236(b), (c), .409, .526.	I–C
2-Amino-2-methyl-1-propanol (90% or less).	D	S	III	NR	Open ...	Open ...	A	.236(a), (b), (c), (g) ...	I–D
Ammonia aqueous (28% or less), *see* Ammonium hydroxide (28% or less NH_3).									
Ammonium hydroxide (28% or less NH_3).	D	S/P	III	4m	PV	Restr	2A, B, C	.236(b), (c), (f), .526, .527.	I–D
Ammonium nitrate solution (greater than 45% and less than 93%).	D	S	II	NR	Open ...	Open ...	NSR	.238(d), .252, .336, .409, .554(a), (b).	NA
•Ammonium sulfide solution (45% or less).	B	S/P	II	B/3	PV	Closed .	A, C	.236(a), (b), (c), (g), .316, .408, .525, .526, .527, .933, .1002, .1020.	I–D
Ammonium thiocyanate (25% or less), Ammonium thiosulfate (20% or less) solution.	C	P	III	NR	Open ...	Open ...	NSR	None	NA
Ammonium thiosulfate solution (60% or less).	C	P	III	NR	Open ...	Open ...	NSR	.440, .908(b)	NA

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
•(commercial, iso-, n-, sec-) Amyl acetate, *see* **Amyl acetate (all isomers)**.									
+Amyl acetate (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Aniline	C	S/P	II	B/3	PV	Closed	A	.316, .408, .525, .526, .933, .1020.	I–D
Anthracene oil (Coal tar fraction), *see* Coal tar.									
Aviation alkylates *(C8 paraffins and iso-paraffins, b. pt. 95–120 deg. C)*.	C	P	III	4m	PV	Restr	B	.409	I–C
+Barium long chain alkaryl sulfonate (C11–C50).	[B]	P	III	NR	Open	Open	A	.409; (.440, .903, .908(a))[1].	NA
+Barium long chain alkyl (C8–C14) phenate sulfide.	[A]	P	II	NR	Open	Open	A	.409	NA
Benzene hydrocarbon mixtures[2] *(having 10% Benzene or more)*.	C[2]	S/P	III	B/3	PV	Restr	A, B	.316, .440, .526, .908(b), .933,.1060.	I–D
Benzenesulfonyl chloride	D	S	III	4m	PV	Restr	A, B, D	.236(a), (b), (c), (g), .409, .526.	I–D
Benzene, Toluene, Xylene mixtures[2] *(having 10% Benzene or more)*.	@C[2]	S/P	III	B/3	PV	Restr	B	.316, .440, .526, .908(b), .1060.	I–D
Benzyl acetate	C	P	III	NR	Open	Open	A	None	I–D
Benzyl alcohol	C	P	III	NR	Open	Open	A	None	I–D
Benzyl chloride	B	S/P	II	B/3	PV	Closed	A, B	.316, .408, .525, .526, .527, .912(a)(2), .1004, .1020.	I–D
Butene oligomer	B	P	III	NR	Open	Open	A	None	NA
(iso-, n-) Butyl acetate	C	P	III	4m	PV	Restr	A	.409	I–D
(iso-, n-) Butyl acrylate	B	S/P	II	4m	PV	Restr	A	.409, .526, .912(a)(1), .1002(a), (b), .1004.	I–D
Butylamine (all isomers)	C	S/P	II	B/3	PV	Restr	A	.236(b), (c), .316, .408, .525, .526, .527, .1020.	I–D
Butylbenzene (all isomers)	A	P	II	4m	PV	Restr	A	.409	I–D
Butyl benzyl phthalate	A	P	II	NR	Open	Open	A	.409	I–D
n-Butyl butyrate	C	P	III	4m	PV	Restr	A	.409	I–D
1,2-Butylene oxide	C	S/P	III	4m	PV	Restr	A, C	.372, .408, .440, .500, .526, .530(a), (c), (e)–(g), (m)–(o), .1010, .1011.	I–B
n-Butyl ether	C	S/P	III	B/3	PV	Restr	A, D	.500, .525, .526, .1020.	I–C
Butyl heptyl ketone	[C]	P	III	NR	Open	Open	A	None	NA
iso-Butyl isobutyrate	[B]	P	III	4m	PV	Restr	A	.409	I–D
Butyl methacrylate	D	S	III	4m	PV	Restr	A, D	.526, .912(a)(1), .1002(a), (b), .1004.	I–D
Butyl methacrylate, Decyl methacrylate, Cetyl-Eicosyl methacrylate mixture.	D	S	III	4m	PV	Restr	A, C, D	.912(a)(1), .1002(a), (b), .1004.	I–D
+n–Butyl propionate	C	P	III	4m	PV	Restr	A	.409	I–D
Butyl toluene	@A	P	II	NR	Open	Open	A	.409	I–D
•(crude) Butyraldehyde	B	S/P	III	4m	PV	Open	A	.409, .526	I-C
•iso-Butyraldehyde, *see* **Butyraldehyde (all isomers)**.									
•n-Butyraldehyde, *see* **Butyraldehyde (all isomers)**.									
+Butyraldehyde (all isomers)	B	S/P	III	4m	PV	Open	A	.409, .526	I–C
Butyric acid	D	S	III	4m	PV	Restr	A	.238(a), .554	I–D
•Calcium alkyl salicylate, *see* **Calcium long chain alkyl salicylate (C13+)**.									
+Calcium alkyl(C9)phenol sulfide, polyolefin phosphorosulfide mixture.	A	P	II	NR	Open	Open	A	.409	NA

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
•*Calcium bromide, Zinc bromide solution, see* Drilling brine (containing Zinc salts).									
Calcium hypochlorite solution (15% or less).	C	S/P	II[1]	4m	PV	Restr	NSR	.238(d)	NA
Calcium hypochlorite solution (more than 15%).	B	S/P	III	4m	PV	Restr	NSR	.238(d)	NA
+Calcium long chain alkyl salicylate (C13+).	C	P	III	NR	Open	Open	A	(.440, .903, .908(a))[1]	NA
Camphor oil	B	S/P	II	4m	PV	Open	A, B	.409	I–D
Carbolic oil	A	S/P	II	B/3	PV	Closed	A	.408, .440, .525, .526, .908(b), .933, .1020.	NA
Carbon disulfide	B	S/P	II	B/3	PV	Closed	C	.236(c), .252, .408, .500, .515, .520, .525, .526, .527, .1020, .1040.	I–A
Carbon tetrachloride	B	S/P	III	B/3	PV	Closed	NSR	.316, .409, .525, .526, .527, .1020.	NA
Cashew nut shell oil (untreated)	D	S	III	4m	PV	Restr	A, B	.526, .933	NA
Caustic potash solution	C	S/P	III	NR	Open	Open	NSR	.236(a), (c), (g), .440, .908(b), .933.	NA
Caustic soda solution	D	S	III	NR	Open	Open	NSR	.236(a), (c), (g), .933	NA
Cetyl-Eicosyl methacrylate mixture	III	S	III	NR	Open	Open	A, C, D	.912(a)(1), .1002(a), (b), .1004.	NA
Chlorinated paraffins (C10–C13)	A	P	I	NR	Open	Open	A	.408	NA
Chloroacetic acid (80% or less)	C	S/P	II	B/3	PV	Closed	NSR	.238(e), .408, .440, .554, .908(b).	I–D
•Chlorobenzene	B	S/P	III	4m	PV	Restr	A, B	.409, .526	I–D
Chloroform	B	S/P	III	B/3	PV	Restr	NSR	.409, .525, .526, .527, .1020.	NA
(crude) Chlorohydrins	D	S	II	B/3	PV	Closed	A	.408, .525, .526, .1020.	I–D
•4-Chloro-2-methylphenoxyacetic acid, dimethylamine salt solution.	(C)	P	III	NR	Open	Open	NSR	.236(a), (b), (c), (g)	NA
•+o-Chloronitrobenzene	B	S/P	II	B/3	PV	Closed	A, B, C, D	.316, .336, .408, .440, .525, .526, .908(a), (b), .933, .1020.	NA
2- or 3-Chloropropionic acid	C	S/P	III	NR	Open	Open	A	.238(a),(b) .440, .554, .908(a), (b).	NA
Chlorosulfonic acid	C	S/P	I	B/3	PV	Closed	NSR	.408, .525, .526, .527, .554, .555, .602, .933, .1000, .1020, .1045.	I–B
o-Chlorotoluene	A	S/P	III	4m	PV	Restr	A, B, C	.409, .526	I–D
m-Chlorotoluene	B	S/P	III	4m	PV	Restr	A, B, C	.409, .526	I–D
p-Chlorotoluene	B	S/P	II	4m	PV	Restr	A, B, C	.409, .440, .526, .908(b).	I–D
Chlorotoluenes (mixed isomers)	A	S/P	II	4m	PV	Restr	A, B, C	.409, .526	I–D
Coal tar	A	S/P	II	4m	PV	Restr	B, D	.409, .933, .1060	I–D
Coal tar naphtha solvent	B	S/P	III	4m	PV	Restr	A, D	.409, .526, .933, .1060.	I–D
Coal tar pitch (molten)	D	S	III	4m	PV	Restr	B, D	.252, .409, .933, .1060.	I–D
+Cobalt naphthenate in solvent naphtha.	A	S/P	II	4m	PV	Restr	A,D	.409, .526	I–D
Coconut oil, fatty acid	C	P	III	NR	Open	Open	A	.440, .903, .908(a), (b).	NA
Cottonseed oil, fatty acid	[C]	P	III	NR	Open	Open	A	.440, .903, .908(a)	NA
Creosote (wood)	A	S/P	II	NR	Open	Open	A, B, D	.409	NA
Creosote (coal tar)	A	S/P	II	NR	Open	Open	A, B, D	.409	I–D
Cresols (all isomers)	A	S/P	II	NR	Open	Open	A, B	.409, .440, .908(b)	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Cresols with less than 5% Phenol, see Cresols (all isomers)									
Cresols with 5% or more Phenol, see Phenol									
Cresylate spent caustic *(mixtures of Cresols and Caustic soda solutions).*	A	S/P	II	NR	Open ...	Open ...	NSR	.236(a), (c), .933	NA
+Cresylic acid, dephenolized	A	S/P	II	NR	Open ...	Open ...	A,B	.409	NA
Cresylic acid, sodium salt solution, *see* Cresylate spent caustic.									
Crotonaldehyde	B	S/P	II	B/3	PV	Restr	A	.316, .409, .525, .526, .527, .1020.	I–C
Cumene	B	P	III	4m	PV	Restr	A	.409	I–D
•1,5,9-Cyclododecatriene	A	S/P	II	4m	PV	Restr	A	.236(b), (c), .408, .526, .912(a)(1), .1002(a), (b), .1004.	I–D
Cycloheptane	C	P	III	4m	PV	Restr	A	.409	I–D
Cyclohexane	C	P	III	4m	PV	Restr	A	.409, .440, .908(b)	I–D
Cyclohexanone	D	S	III	4m	PV	Restr	A	.236(a), (b), .526	I–D
•Cyclohexanone, Cyclohexanol mixture.	D	S	III	4m	PV	Restr	A	.236(a), (b), .526	I–D
Cyclohexyl acetate	B	P	III	4m	PV	Restr	A	.409	I–D
Cyclohexylamine	C	S/P	III	4m	PV	Restr	A, C, D	.236(a), (b), (c), (g), .526.	I–D
1,3-Cyclopentadiene dimer (molten)	B	P	II	4m	PV	Restr	A	.409, .440, .488, .908(a), (b).	I–C
Cyclopentane	C	P	III	4m	PV	Restr	A	.409	I–D
Cyclopentene	B	P	III	4m	PV	Restr	A	.409	I–D
p-Cymene	C	P	III	4m	PV	Restr	A	.409	I–D
Iso-Decaldehyde	C	P	III	NR	Open ...	Open ...	A	None	I–C
n-Decaldehyde	B	P	III	NR	Open ...	Open ...	A	None	I–C
Decanoic acid	C	P	III	NR	Open ...	Open ...	A	.440, .903, .908(a), (b).	NA
Decene	B	P	III	4m	PV	Restr	A	.409	I–D
+Decyl acetate	B	P	III	NR	Open ...	Open ...	A	.409	NA
(iso-, n-) Decyl acrylate	A	S/P	II	NR	Open ...	Open ...	A, C, D	.236(a), (b), (c), .409, .912(a)(1), .1002(a), (b), .1004.	I–D
Decyl alcohol (all isomers)	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(b)	I–D
+Decyloxytetrahydrothiophene dioxide.	A	S/P	II	B/3	PV	Restr	A	.409	NA
Diammonium salt of Zinc ethylenediamine tetraacetic acid solution[3].	#	#	III	NR	Open ...	Open ...	NSR	.238(e)	I–B
Dibutylamine	C	S/P	III	4m	PV	Restr	A, B, C, D	.236(b), (c), .526	I–C
+Dibutyl hydrogen phosphonate	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(a)	NA
Dibutyl phthalate	A	P	II	NR	Open ...	Open ...	A	.409	I–D
•Dichlorobenzene (all isomers)[1]	D	S	II	4m	PV	Restr	A, B, D	.236(a), (b), .409, .440, .488[1], .526, .908(a), (b)[1].	I–D
1,1-Dichloroethane	B	S/P	III	4m	PV	Restr	A, B	.409, .526, .527	I–D
2,2'-Dichloroethyl ether	B	S/P	II	4m	PV	Restr	A	.236(a), (b), .409, .526.	I–C
+1,6–Dichlorohexane	B	S/P	II	4m	PV	Restr	A,B	.409, .526	NA
2,2'-Dichloroisopropyl ether	C	S/P	II	B/3	PV	Restr	A, B, C, D	.236(a), (b), .316, .408(a), .440, .525, .526, .1020.	I–D
Dichloromethane	D	S	III	4m	PV	Restr	NSR	.526	I–D
2,4-Dichlorophenol[4]	A	S/P	II	4m	PV	Restr	A, B, C, D	.236(a), (b), (c), (g), .409, .440, .500, .501, .526, .908(b), .933.	I–D
2,4-Dichlorophenoxyacetic acid, diethanolamine salt solution.	A	S/P	III	NR	Open ...	Open ...	NSR	.236(a), (b), (c), (g), .409.	NA

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
2,4-Dichlorophenoxyacetic acid, dimethylamine salt solution.	A	S/P	III	NR	Open ...	Open ...	NSR	.409	NA
2,4-Dichlorophenoxyacetic acid, triisopropanolamine salt solution.	A	S/P	III	NR	Open ...	Open ...	NSR	.409	NA
•1,1-, 1,2-, or 1,3-Dichloropropane, *see individual entries.*									
+1,1–Dichloropropane	B	S/P	II	B/3	PV	Restr	A, B	**.409**, .525, .526, .1020.	I–D
+1,2–Dichloropropane	B	S/P	II	B/3	PV	Restr	A, B	**.409**, .525, .526, .1020.	I–D
+1,3–Dichloropropane	B	S/P	II	B/3	PV	Restr	A, B	**.409**, .525, .526, .1020.	I–D
1,3-Dichloropropene	B	S/P	II	B/3	PV	Closed .	A, B	.316, .336, .408, .525, .526, .527, .1020.	I–D
Dichloropropene, Dichloropropane mixtures.	B	S/P	II	B/3	PV	Closed .	A, B, C, D	.316, .336, .408, .526, .527.	I–D
•2,2-Dichloropropionic acid	D	S	III	4m	PV	Restr	A	.238(e), .266, .500, .501, .554, **.933**.	NA
Diethanolamine	III	S	III	NR	Open ...	Open ...	A	.236(b), (c)	NA
Diethylamine	C	S/P	III	B/3	PV	Restr	A	.236(a), (b), (c), (g), .525, .526, .527, .1020.	I–C
Diethylaminoethanol, *see* Diethylethanolamine									
•2,6-Diethylaniline	C	S/P	III	NR	Open ...	Open ...	B, C, D	.236(b), .409, .440, .908(b).	NA
Diethylbenzene	C	P	III	4m	PV	Restr	A	.409	I–D
Diethylenetriamine	D	S	III	NR	Open ...	Open ...	A	.236(b), (c)	NA
Diethylethanolamine	C	S/P	III	4m	PV	Restr	A, C	.236(a), (b), (c), (g), .526.	I–C
Diethyl ether, *see* Ethyl ether									
Di-(2-ethylhexyl) phosphoric acid	C	S/P	III	NR	Open ...	Open ...	A, B, C, D	.236(b), (c)	I–D
Diethyl phthalate	C	P	III	NR	Open ...	Open ...	A	None	I–D
Diethyl sulfate	B	S/P	II	4m	PV	Closed .	A, D	.236(a), (c), (d), .526	I–D
Diglycidyl ether of Bisphenol A	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(a)	NA
Diglycidyl ether of Bisphenol F	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(a)	NA
Di-n-hexyl adipate	B	P	III	NR	Open ...	Open ...	A	.409	NA
Diisobutylamine	C	S/P	II	4m	PV	Restr	A, B, C, D	.236(a), (b), (c), (g), .409, .525(a), (c), (d), (e), .526, .1020.	I–C
Diisobutylcarbinol	●C	P	III	NR	Open ...	Open ...	A	None	I–D
Diisobutylene	B	P	III	4m	PV	Restr	A	.409	I–D
Diisobutyl phthalate	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(a)	I–D
Diisopropanolamine	C	S/P	III	NR	Open ...	Open ...	A	.236(b), (c), .440, .908(a), (b).	I–D
Diisopropylamine	C	S/P	II	B/3	PV	Closed .	A	.236(b), (c), .408, .525, .526, .527, .1020.	I–C
Diisopropylbenzene (all isomers)	A	P	II	NR	Open ...	Open ...	A	.409	I–D
N,N-Dimethylacetamide	D	S	III	B/3	PV	Restr	B	.236(b), .316, .525, .526, .527, .1020.	I–D
N,N-Dimethylacetamide solution (40% or less).	D	S	III	B/3	PV	Restr	B	.236(b), .316, .526	I–D
Dimethyl adipate	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(b)	NA
Dimethylamine solution (45% or less).	C	S/P	III	B/3	PV	Restr	A, C, D	.236(a), (b), (c), (g), .525, .526, .527, .1020.	I–C
Dimethylamine solution (over 45% but not over 55%).	C	S/P	II	B/3	PV	Closed .	A, C, D	.238 (a), (b), (c), (g), .316, .408, .525, .526, .527, .1020.	I–C

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Dimethylamine solution (over 55% but not over 65%).	C	S/P	II	B/3	PV	Closed	A, C, D	.236 (a), (b), (c), (g), .316, .372, .408, .525, .526, .527, .1020.	I–C
2,6-Dimethylaniline	[C]	S/P	III	NR	Open	Open	B, C, D	.236(b), .409, .440, .908(b).	I–D
N,N-Dimethylcyclohexylamine	C	S/P	II	B/3	PV	Restr	A, C	.236(a), (b), (c), (g), .316, .409, .525, .526, .527, .1020.	NA
Dimethylethanolamine	D	S	III	4m	PV	Restr	A, D	.236(b), (c), .526	I–C
Dimethylformamide	D	S	III	4m	PV	Restr	A, D	.236(b), .526	I–D
Dimethyl glutarate	C	P	III	NR	Open	Open	A	None	NA
•Dimethyl hydrogen phosphite	(B)	S/P	III	4m	PV	Restr	A, D	.526	NA
Dimethyl naphthalene sulfonic acid, sodium salt solution.	[A]	P	III	NR	Open	Open	NSR	None	NA
Dimethyloctanoic acid	C	P	III	NR	Open	Open	A	.440, .903, .908(b)	I–D
Dimethyl phthalate	C	P	III	NR	Open	Open	A	None	I–D
Dimethyl succinate	C	P	III	NR	Open	Open	A	.440, .908(b)	NA
Dinitrotoluene (molten)[5]	B	S/P	II[6]	B/3	PV	Closed	A	.316, .408, .440, .525, .526, .527, .908(a), (b), .1020.	I–C
1,4-Dioxane	D	S	II	B/3	PV	Closed	A	.408, .525, .526, .1020.	I–C
Dipentene	C	P	III	4m	PV	Restr	A	.409	I–D
Diphenyl	A	P	I	NR	Open	Open	B	.408	I–D
+Diphenylamines, alkylated	A	P	II	NR	Open	Open	A	.409	NA
+Diphenylamine, reaction product with 2,2,4–Trimethylpentene.	(A)	S/P	I	NR	Open	Open	A	.408	NA
Diphenyl, Diphenyl ether mixtures	A	P	I	NR	Open	Open	B	.408	I–D
Diphenyl ether	A	P	III	NR	Open	Open	A	.409	I–D
Diphenyl ether, Biphenyl phenyl ether mixtures.	A	P	III	NR	Open	Open	A, B	.409	NA
Diphenylmethane diisocyanate[8]	B	S/P	II	B/3	PV	Closed	A, B, C[9], D	.236(a), (b), .316, .409, .440, .500, .501, .525, .526, .602, .908(a), .1000, .1020.	NA
Diphenylol propane-epichlorohydrin resins.	B	P	III	NR	Open	Open	A, B	.440, .908(a)	NA
Di-n-propylamine	C	S/P	III	4m	PV	Restr	A	.236(b), (c), .409, .525, .526, .1020.	I–C
Dodecanol	B	P	III	NR	Open	Open	A	.409, .440, .488, .908(a), (b).	I–D
Dodecene (all isomers)	B	P	III	NR	Open	Open	A	.409	I–D
Dodecyl alcohol, *see* Dodecanol									
•Dodecylamine, Tetradecylamine mixture.	A	S/P	II	4m	PV	Restr	A, D	.236(b), (c), .526	NA
+Dodecyldimethylamine, Tetradecyldimethylamine mixture.	A	S/P	II	NR	Open	Open	B,C,D	.236(b), .409	NA
Dodecyl diphenyl ether disulfonate solution.	B	S/P	III	NR	Open	Open	NSR	.409, .440, .488, .908(a).	NA
+Dodecyl hydroxypropyl sulfide	[A]	P	II	NR	Open	Open	A	.409	NA
Dodecyl methacrylate	III	S	III	NR	Open	Open	A, C	.236(b), (c), .912(a)(1), .1004.	I–D
Dodecyl-Pentadecyl methacrylate mixture.	III	S	III	NR	Open	Open	A, C, D	.912(a)(1), .1002(a), (b), .1004.	NA
Dodecyl phenol	A	P	I	NR	Open	Open	A	.408	I–D
•Drilling brine (containing Zinc salts)	B	P	III	NR	Open	Open	NSR	.409	NA
Epichlorohydrin	C	S/P	II	B/3	PV	Closed	A	.316, .408, .525, .526, .527, .1020.	I–C
Ethanolamine	D	S	III	NR	Open	Open	A	.236(b), (c), .526	I–D
2-Ethoxyethyl acetate	C	P	III	4m	PV	Restr	A	.409	I–C
Ethyl acrylate	A	S/P	II	4m	PV	Restr	A	.409, .526, .527, .912(a)(1), .1002(a), (b), .1004.	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Ethylamine	C	S/P	II	B/3	PV	Closed	C, D	.236(b), (c), .252, .372, .525, .526, .527, .1020.	I–D
Ethylamine solution (72% or less)	C	S/P	II	B/3	PV	Closed	A, C	.236(a), (b), (c), (g), .372, .408, .525(a), (c), (d), (e), .526, .527, .1020.	I–D
Ethyl amyl ketone	C	P	III	4m	PV	Restr	A	.409	I–D
Ethylbenzene	C	P	III	4m	PV	Restr	A	.409	I–D
N-Ethylbutylamine	C	S/P	III	4m	PV	Restr	A	.236(a), (b), (c), (g), .409, .525(a), (c), (d), (e), .526, .1020.	I–C
Ethyl butyrate	C	P	III	4m	PV	Restr	A	.409	I–D
Ethylcyclohexane	C	P	III	4m	PV	Restr	A	.409	I–D
N–Ethylcyclohexylamine	D	S	III	4m	PV	Restr	A, C	.236(a), (b), (c), (g), .409, .526.	I–C
Ethylene chlorohydrin	C	S/P	II	B/3	PV	Closed	A, D	.316, .408, .525, .526, .527, .933, .1020.	I–D
Ethylene cyanohydrin	D	S	III	NR	Open	Open	A	None	NA
Ethylenediamine	C	S/P	II	4m	PV	Restr	A	.236(b), (c), .440, .526, .908(b).	I–D
Ethylene dibromide	B	S/P	II	B/3	PV	Closed	NSR	.408, .440, .525, .526, .527, .908(b), .1020.	NA
Ethylene dichloride	B	S/P	II	4m	PV	Restr	A, B	.236(b), .408, .526	I–D
Ethylene glycol butyl ether acetate	C	P	III	NR	Open	Open	A	None	I–C
Ethylene glycol diacetate	C	P	III	NR	Open	Open	A	None	I–D
Ethylene glycol ethyl ether acetate, *see* 2-Ethoxyethyl acetate									
+Ethylene glycol monoalkyl ethers	D	S	III	4m	PV	Restr	A	.409	I–C
+Ethylene glycol propyl ether, *see* Ethylene glycol monoalkyl ethers.									
Ethylene oxide (30% or less), Propylene oxide mixture.	D	S	II	B/3	PV	Closed	A, C	.252, .372, .408, .440, .500, .525, .526, .530, .1010, .1011, .1020.	I–B
Ethyl ether	III	S	II	4m	PV	Closed	A	.236(g), .252, .372, .408, .440, .500, .515, .526, .527.	I–C
•Ethyl-3-ethoxypropionate	C	P	III	4m	PV	Restr	A	.409	NA
2-Ethylhexanol	●C	P	III	NR	Open	Open	A	None	I–D
2-Ethylhexyl acrylate	B	S/P	III	NR	Open	Open	A	.409, .912(a)(1), .1002(a), (b), .1004.	I–D
2-Ethylhexylamine	B	S/P	II	B/3	PV	Restr	A	.236(b), (c), .409, .525, .526, .1020.	I–D
Ethyl hexyl phthalate	C	P	III	NR	Open	Open	A	None	NA
Ethylidene norbornene	B	S/P	III	B/3	PV	Restr	A, B, C, D	.236(b), .409, .526	NA
Ethyl methacrylate	D	S	III	4m	PV	Restr	A, B, D	.526, .912(a)(1), .1002(a), (b), .1004.	I–D
Ethylphenol	A	S/P	III	NR	Open	Open	B	.409	I–D
2-Ethyl-3-propylacrolein	B	S/P	III	4m	PV	Restr	A	.409, .440, .526, .908(b).	I–C
Ethyl toluene	B	P	III	4m	PV	Restr	A	.409	I–D
Ferric chloride solutions	C	S/P	III	NR	Open	Open	NSR	.409, .440, .554, .555, .908(b), .1045.	I–B
Ferric nitrate, Nitric acid solution	C	S/P	II	4m	PV	Restr	NSR	.408, .526, .527, .554, .555, .559, .933, .1045.	I–B
+Fluorosilicic acid (30% or less)	C	S/P	III	B/3	PV	Restr	No	.252, .526, .554, .555, .933, .1045.	I–B
Formaldehyde (50% or more), Methanol mixtures.	●	S/P	III	4m	PV	Closed	A	.526, .527	I–B

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Formaldehyde solution (37% to 50%).	C	S/P	III	4m	PV	Restr	A	.440, .526, .527, .908(b).	I–B
Formic acid	D	S	III	4m	PV	Restr	A	.238(b), (c), .526, .527, .554.	I–D
Fumaric adduct of rosin, water dispersion.	B	P	III	NR	Open	Open	NSR	.409, .440, .908(a)	NA
Furfural	C	S/P	III	4m	PV	Restr	A	.526	I–C
Furfuryl alcohol	C	P	III	NR	Open	Open	A	None	I–C
Glutaraldehyde solution (50% or less).	D	S	III	NR	Open	Open	NSR	None	NA
Glycidyl ester of C10 Trialkyl acetic acid, *see* Glycidyl ester of Tridecyl acetic acid.									
Glycidyl ester of Tridecyl acetic acid	B	P	III	NR	Open	Open	A	.409	NA
Heptane (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Heptanol (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Heptene (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Heptyl acetate	B	P	III	NR	Open	Open	A	None	NA
Hexamethylenediamine solution	C	S/P	III	4m	PV	Restr	A	.236(b), (c), .409, .440, .526, .908(b).	I–D
Hexamethyleneimine	C	S/P	II	4m	PV	Restr	A, C	.236(a), (b), (c), (g), .526.	I–C
Hexane (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Hexene (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Hexyl acetate	B	P	III	4m	PV	Restr	A	.409	I–D
Hydrochloric acid	D	S	III	4m	PV	Restr	NSR	.252, .526, .527, .554, .557, .933, .1045, .1052.	I–B
Hydrogen peroxide solutions (over 8% but not over 60%).	C	S/P	III	B/3	PV	Closed	NSR	.238 (a), (c), .355, .409, .440(a)(1)&(2), .500, .933, .1004(a)(2), .1500.	NA
Hydrogen peroxide solutions (over 60% but not over 70%).	C	S/P	II	B/3	PV	Closed	NSR	.238 (a), (c), .355, .409, .440(a)(1)&(2), .500, .933, .1004(a)(2), .1500.	NA
2-Hydroxyethyl acrylate	B	S/P	II	B/3	PV	Closed	A	.408, .525, .526, .912(a)(1), .933, .1002 (a), (b), .1004, .1020.	NA
•2-Hydroxy-4-(methylthio)butanoic acid.	C	P	III	NR	Open	Open	A	.440, .903, .908(a)	NA
Isophorone diamine	D	S	III	4m	PV	Restr	A	.236(b), (c), .526	NA
Isophorone diisocyanate[6]	B	S/P	III	B/3	PV	Closed	A, B, C[6], D	.236(a), (b), .316, .500, .501 .526, .602, .1000, .1020.	NA
Isoprene	C	S/P	III	4m	PV	Restr	B	.372, .440, .912(a)(1), .1002(a), (b), .1004.	I–D
Isopropylbenzene, *see* Cumene									
Lactonitrile solution (80% or less)	B	S/P	II	B/3	PV	Closed	A, C, D	.238(d), .252, .316, .336, .408, .440, .525, .526, .527, .908(a), .912(a)(2), .1002, .1004, .1020, .1035.	I–D
Lauric acid	B	P	III	NR	Open	Open	A	.440, .488, .908(a), (b).	NA
+Long chain alkaryl polyether (C11–C20).	C	P	III	NR	Open	Open	A	(.440, .903, .908(a))[1]	NA
+Long chain polyetheramine in alkyl(C2–C4)benzenes.	C	P	III	4m	PV	Restr	A	.409, .440, .903, .908(a).	I–D
+Magnesium long chain alkyl salicylate (C11+).	C	P	III	NR	Open	Open	A	(.440, .903, .908(a))[1]	NA
Maleic anhydride[7]	D	S	III	4m	PV	Restr	[7]A, C	None	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Mercaptobenzothiazol, sodium salt solution, *see* Sodium-2-mercaptobenzothiazol solution									
Mesityl oxide	D	S	III	4m	PV	Restr	A	.236(b), (c), .409, .526.	I–D
Metam sodium solution	A	S/P	III	NR	Open	Open	NSR	.236(a), (b), (c), (g), .409.	NA
Methacrylic acid	D	S	III	4m	PV	Restr	A	.238(a), .526, .912(a)(1), .1002(a), .1004.	NA
+Methacrylic resin in Ethylene dichloride.	B	S/P	II	4m	PV	Restr	A,B	.236(b), .408, .440, .526, .908(a).	I–D
•Methacrylonitrile	D	S	II	B/3	PV	Closed	A	.236(b), .316, .408, .525, .526, .527, .912(a)(1), .1002(a), .1004, .1020.	NA
Methyl acrylate	B	S/P	II	4m	PV	Restr	A, B	.409, .526, .527, .912(a)(1), .1002(a), (b), .1004.	I–D
Methylamine solution (42% or less)	C	S/P	II	B/3	PV	Closed	A, C, D	.236(a), (b), (c), (g), .316, .408, .525, .526, .527, .1020.	I–D
Methylamyl acetate	C	P	III	4m	PV	Restr	A	.409	I–D
Methylamyl ketone	C	P	III	4m	PV	Restr	A	.409	I–D
Methyl butyrate	C	P	III	4m	PV	Restr	A	.409	I–D
Methylcyclohexane	C	P	III	4m	PV	Restr	A	.409	I–D
Methylcyclopentadiene dimer	B	P	III	4m	PV	Restr	B	.409	I–B
•Methyl diethanolamine	D	S	III	NR	Open	Open	A	.236(b), (c)	I–C
Methylene chloride, *see* Dichloromethane									
2-Methyl-6-ethylaniline	C	S/P	III	NR	Open	Open	A, B, C, D	None	NA
2-Methyl-5-ethylpyridine	B	S/P	III	NR	Open	Open	A, D	.236(b), .409	I–D
Methyl formate	D	S	II	B/3	PV	Restr	A	.372, .408, .440, .525, .526, .527, .1020.	I–D
Methyl heptyl ketone	B	P	III	4m	PV	Restr	A	.409	I–D
2-Methyl-2-hydroxy-3-butyne	III	S	III	4m	PV	Restr	A, B, C, D	.236(b), (d), (f), (g), .409, .526.	I–D
Methyl methacrylate	D	S	II	4m	PV	Restr	A, B	.526, .912(a)(1), .1002(a), (b), .1004.	I–D
+Methyl naphthalene (molten)	A	S/P	II	4m	PV	Restr	A, D	.409	I–D
•2-Methyl-1-pentene, *see* Hexene (all isomers).									
•4-Methyl-1-pentene, *see* Hexene (all isomers).									
•2-Methylpyridine	D	S	II	B/3	PV	Closed	A, C	.236(b), .408, .525(a), (c), (d), (e), .1020.	I–D
•3-Methylpyridine	D	S/P	II	B/3	PV	Closed	A, C	.236(b), .408, .525(a), (c), (d), (e), .1020.	I–D
•4-Methylpyridine	D	S	II	B/3	PV	Closed	A, C, D	.236(b), .408, .440, .525(a), (c), (d), (e), .526, .908(b), .1020.	I–D
Methyl salicylate	B	P	III	NR	Open	Open	A	.409	I–D
alpha-Methylstyrene	A	S/P	III	4m	PV	Restr	D	.409, .526, .903, .912(a)(1), .1002(a), (b), .1004.	I–D
Metolachlor	⊕B	P	III	NR	Open	Open	A	None	NA
Morpholine	D	S	III	4m	PV	Restr	A	.236(b), (c)	I–C
Motor fuel anti-knock compounds (containing lead alkyls).	A	S/P	II	B/3	PV	Closed	A, B, C	.252, .316, .336, .408, .525, .526, .527, .933, .1020, .1025.	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO [4] Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Naphthalene (molten)	A	S/P	II	4m	PV	Restr	A, D	.409, .440, .908(b)	I–D
Naphthalene sulfonic acid, sodium salt solution (40% or less).	[A]	P	III	NR	Open	Open	NSR	None	NA
Naphthenic acid	A	P	II	NR	Open	Open	A	.409	NA
Naphthenic acid, sodium salt solution.	[A]	P	II	NR	Open	Open	NSR	.409	NA
Neodecanoic acid	C	P	III	NR	Open	Open	A	None	NA
Nitrating acid *(mixture of Sulfuric and Nitric acids)*	C	S/P	II	B/3	PV	Closed	NSR	.316, .408, .526, .527, .554, .555, .556, .559, .602, .933, .1000, .1045.	I–B
Nitric acid (70% or less)	C	S/P	II	4m	PV	Restr	NSR	.408, .526, .527, .554, .555, .559, .933, .1045.	I–B
Nitrobenzene	B	S/P	II	B/3	PV	Closed	A, D	.316, .336, .408, .440, .525, .526, .908(b), .933, .1020.	I–D
•o-Nitrochlorobenzene, *see* **o-Chloronitrobenzene.**									
o-Nitrophenol (molten)	B	S/P	II	B/3	PV	Closed	A, C, D	.440, .525, .526, .908(a), (b), .1020.	NA
1- or 2-Nitropropane[7]	D	S	III	4m	PV	Restr	[7]A, C	.526	I–C
Nitropropane (60%), Nitroethane (40%) mixture[7].	D	S	III	4m	PV	Restr	[7]A, C	.236(b), .526	I–C
(o-, p-) Nitrotoluene	C	S/P	II	B/3	PV	Closed	A, B	.316, .408, .440, .525, .526, .908(b), .1020.	I–D
Nonane (all isomers)	C	P	III	4m	PV	Restr	B, C	.409	I–D
•Nonene (all isomers)	B	P	III	4m	PV	Restr	A	.409	I–D
+Nonyl acetate	C	P	III	NR	Open	Open	A	.409	I–D
Nonyl alcohol (all isomers)	C	P	III	NR	Open	Open	A	None	I–D
Nonyl phenol	A	P	II	NR	Open	Open	A	.409	I–D
Nonyl phenol poly(4–12)ethoxylates	B	P	III	NR	Open	Open	A	.409, .440, .488[1], .908(a), (b).	I–D
Noxious liquid, N.F., (1) n.o.s. ("trade name" contains "principal components").									
ST 1, Cat A	A	P	I	NR	Open	Open	A	.408	NA
Noxious liquid, F., (2) n.o.s. ("trade name" contains "principal components")									
ST 1, Cat A	A	P	I	4m	PV	Restr	A	.408	NA
Noxious liquid, N.F., (3) n.o.s. ("trade name" contains "principal components")									
ST 2, Cat A	A	P	II	NR	Open	Open	A	.409	NA
Noxious liquid, F., (4) n.o.s. ("trade name" contains "principal components")									
ST 2, Cat A	A	P	II	4m	PV	Restr	A	.409	NA
Noxious liquid, N.F., (5) n.o.s. ("trade name" contains "principal components")									
ST 2, Cat B	B	P	II	NR	Open	Open	A	.409; (.440, .903, .908)[1].	NA
Noxious liquid, N.F., (6) n.o.s. ("trade name" contains "principal components")									
ST 2, Cat B, mp. equal to or greater than 15 deg. C.	B	P	II	NR	Open	Open	A	.409, .440, .488, .908(b); (.903, .908(a))[1].	NA

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS.—Continued

Cargo name	[illegible] Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Noxious liquid, F., (7) n.o.s. ("trade name" contains "principal components")									
ST 2, Cat B	B	P	II	4m	PV	Restr	A	.409; (.440, .903, .908)[1].	NA
Noxious liquid, F., (8) n.o.s. ("trade name" contains "principal components")									
ST 2, Cat B, mp. equal to or greater than 15 deg. C.	B	P	II	4m	PV	Restr	A	.409, .440, .488, .908(b); (.903, .908(a))[1].	NA
Noxious liquid, N.F., (9) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat A	A	P	III	NR	Open	Open	A	None	NA
Noxious liquid, F., (10) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat A	A	P	III	4m	PV	Restr	A	.409	NA
Noxious liquid, N.F., (11) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat B	B	P	III	NR	Open	Open	A	(.440, .903, .908)[1]	NA
Noxious liquid, N.F., (12) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat B, mp. equal to or greater than 15 deg. C.	B	P	III	NR	Open	Open	A	.440, .488, .908(b); (.903, .908(a))[1].	NA
Noxious liquid, F., (13) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat B	B	P	III	4m	PV	Restr	A	.409; (.440, .903, .908)[1].	NA
Noxious liquid, F., (14) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat B, mp. equal to or greater than 15 deg. C.	B	P	III	4m	PV	Restr	A	.409, .440, .488, .908(b); (.903, .908(a))[1].	NA
Noxious liquid, N.F., (15) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat C	C	P	III	NR	Open	Open	A	(.440, .903, .908)[1]	NA
Noxious liquid, F., (16) n.o.s. ("trade name" contains "principal components")									
ST 3, Cat C	C	P	III	4m	PV	Restr	A	(.440, .903, .908)[1]	NA
Octane (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Octanol (all isomers)	C	P	III	NR	Open	Open	A	None	I–D
Octene (all isomers)	B	P	III	4m	PV	Restr	A	.409	I–D
Octyl aldehydes	B	P	III	4m	PV	Restr	A	.409, .440, .908(b)	I–C
•Octyl nitrates (all isomers), see Alkyl(C7–C9) nitrates.									
Olefin mixtures (C5–C7)	C	P	III	4m	PV	Restr	A	.409	I–D
Olefin mixtures (C5–C15)	B	P	III	4m	PV	Restr	A	.409	I–D
alpha-Olefins (C6–C18) mixtures	B	P	III	4m	PV	Restr	A	.409, .440, .908(a), (b).	I–D
Oleum	C	S/P	II	B/5	PV	Closed	NSR	.316, .408, .440, .526, .527, .554, .555, .556, .602, .908(a), .933, .1000, .1045, .1052.	I–B
Palm kernel oil, fatty acid	C	P	III	NR	Open	Open	B	.440, .903, .908(a), (b).	NA

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Palm kernel oil, fatty acid methyl ester.	[C]	P	III	NR	Open ...	Open ...	A	.440, .903, .908(a)	NA
Paraldehyde	C	S/P	III	4m	PV	Restr	A	.440, .908(b)	I–C
Pentachloroethane	B	S/P	II	B/3	PV	Restr	NSR	.316, .409, .525, .526, .1020.	NA
1,3-Pentadiene	C	S/P	III	4m	PV	Restr	A, B	.526, .912(a)(1), .1002, .1004.	I–D
Pentane (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
Pentene (all isomers)	C	P	III	4m	PV	Restr	A	.409	I–D
+n–Pentyl propionate	C	P	III	4m	PV	Restr	A	.409	I–D
Perchloroethylene	B	S/P	III	4m	PV	Restr	NSR	.526	NA
•Phenol *(or solutions with 5% or more Phenol).*	C	S/P	II	B/3	PV	Closed .	A	.408, .440, .488, .525, .526, .908(a), (b), .933, .1020.	I–D
1-Phenyl-l-xylyl ethane	C	P	III	NR	Open ...	Open ...	A, B	None	NA
Phosphoric acid	D	S	III	NR	Open ...	Open ...	NSR	.554, .555, .558, .1045, .1052.	I–B
Phthalic anhydride (molten)	C	S/P	III	4m	PV	Restr	A, D	.440, .908(a), (b)	I–D
Pinene	B	P	III	4m	PV	Restr	A	.409	I–D
•Pine oil	C	P	III	NR	Open ...	Open ...	A	.440, .908(a)	I–D
•Polyalkyl(C18–C22) acrylate in Xylene.	C	P	III	4m	PV	Restr	A	.409, .440, .903, .908(a).	NA
•Polyalkylene oxide polyol	C	P	III	NR	Open ...	Open ...	A	.440, .903, .908(a)	NA
+Poly(2+)cyclic aromatics	A	P	II	4m	PV	Restr	A,D	.409	I–D
Polyethylene polyamines	C	S/P	III	NR	Open ...	Open ...	A	.236(b), (c), .400, .440, .908(b).	NA
Polyferric sulfate solution	C	S/P	III	NR	Open ...	Open ...	NSR	.238(d)	NA
Polymethylene polyphenyl isocyanate[6].	D	S	II	B/3	PV	Closed .	A, C[5], D	.236 (a), (b), .409, .500, .501, .525, .526, .602, .1000, .1020.	NA
+Polyolefinamine in alkyl(C2–C4)benzenes.	(C)	P	III	4m	PV	Restr	A	.409, .440, .903, .908(a).	I–D
+Polyolefin phosphorosulfide, barium derivative (C28–C250).	C	P	III	NR	Open ...	Open ...	A	(.440, .903, .908(a))[1]	NA
Potassium hydroxide solution, *see* Caustic potash solution									
+Potassium oleate	C	P	III	NR	Open ...	Open ...	A	.409	NA
+Propanil, Mesityl oxide, Isophorone mixture.	[B]	S/P	III	4m	PV	Restr	A,B	.409, .440, .526, .908(a),(b).	NA
iso-Propanolamine	C	S/P	III	NR	Open ...	Open ...	A	.236 (b), (c), .440, .526, .903, .908(b).	I–D
n-Propanolamine	C	S/P	III	NR	Open ...	Open ...	A, D	.236 (b), (c), .440, .526, .908(b).	NA
Propionaldehyde	D	S	III	4m	PV	Restr	A	.316, .526, .527	I–C
Propionic acid	D	S	III	4m	PV	Restr	A	.238(a), .527, .554	I–D
Propionic anhydride	C	S/P	III	4m	PV	Restr	A	.238(a), .526	I–D
Propionitrile	C	S/P	II	B/3	PV	Closed .	A, D	.252, .316, .336, .408, .525, .526, .527, .1020.	I–D
iso-Propylamine	C	S/P	II	B/3	PV	Closed .	C, D	.236(b), (c), .372, .408, .440, .525, .526, .527, .1020.	I–D
n-Propylamine	C	S/P	II	B/3	PV	Closed .	A, C, D	.236(b), (c), .408, .500, .525, .526, .527, .1020.	I–D
n-Propylbenzene	C	P	III	4m	PV	Restr	A	.409	I–D
+n–Propyl chloride	D	S	III	4m	PV	Restr	A, B	.409	I–D
iso-Propylcyclohexane	C	P	III	4m	PV	Restr	A	.409, .440, .903, .908(a).	I–D
Propylene dimer	C	P	III	4m	PV	Restr	A	.409	NA
Propylene oxide	D	S	II	B/3	PV	Closed .	A, C	.372, .408, .440, .500, .526, .530, .1010, .1011.	I–B
Propylene tetramer	B	P	III	4m	PV	Restr	A	.409	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
Propylene trimer	B	P	III	4m	PV	Restr	A	.409	I–D
Iso-Propyl ether	D	S	III	4m	PV	Restr	A	.409, .500, .515, .912(a)(1).	I–D
Pyridine	D	S	III	4m	PV	Restr	A	.236(b), .409	I–D
Rosin, *see* Rosin oil.									
Rosin oil	B	P	III	NR	Open	Open	A	.409, .440, .488, .908(a), (b).	I–D
Rosin soap (disproportionated) solution.	B	P	III	NR	Open	Open	A	.409	NA
+Sodium aluminate solution	D	S	III	NR	Open	Open	NSR	.236(a),(b),(c),(g), .933.	NA
Sodium borohydride (15% or less), Sodium hydroxide solution.	C	S/P	III	NR	Open	Open	NSR	.236(a), (b), (c), (g), .440, .908(a), .933.	NA
Sodium chlorate solution (50% or less).	III	S	III	NR	Open	Open	NSR	.409, .933, .1065	NA
Sodium dichromate solution (70% or less).	C	S/P	II	B/3	Open	Closed	NSR	.236(b), (c), .408, .525, .933, .1020.	NA
•*Sodium dimethyl naphthalene sulfonate solution, see* Dimethyl naphthalene sulfonic acid, sodium salt solution.									
Sodium hydrogen sulfide (6% or less), Sodium carbonate (3% or less) solution.	[C]	P	III	NR	Open	Open	NSR	None	NA
Sodium hydrogen sulfite solution (35% or less).	D	S	III	NR	Open	Open	NSR	None	NA
Sodium hydrosulfide solution (45% or less).	B	S/P	III	4m	PV	Restr	NSR	.526, .409, .440, .908(b), .933.	NA
Sodium hydrosulfide, Ammonium sulfide solution.	B	S/P	II	B/3	PV	Closed	A, C	.236(a), (b), (c), (g), .316, .372, .408, .525, .526, .527, .933, .1002, .1020.	NA
Sodium hydroxide solution, *see* Caustic soda solution									
•Sodium hypochlorite solution (15% or less).	C	S/P	III	4m	PV	Restr	NSR	.236(a), (b), .933	NA
+Sodium long chain alkyl salicylate (C13+).	[C]	P	III	NR	Open	Open	A	(.440, .903, .908(a))[1]	NA
Sodium-2-mercaptobenzothiazol solution.	B	S/P	III	NR	Open	Open	NSR	.236(a), (b), (c), (g), .409, .440, .908(b), .933.	NA
•*Sodium N-methyldithiocarbamate solution, see* Metam sodium solution.									
•*Sodium naphthalene sulfonate solution (40% or less), see* Naphthalene sulfonic acid, sodium salt solution (40% or less).									
•Sodium naphthenate solution, see Naphthenic acid, sodium salt solution.									
Sodium nitrite solution	B	S/P	II	NR	Open	Open	NSR	.408, .525(a), (c), (d), (e), .1020.	NA
+Sodium petroleum sulfonate	B	S/P	II	NR	Open	Open	A	.409, .440, .908(a)	NA
+Sodium sulfide solution (15% or less).	B	S/P	III	B/3	PV	Closed	NSR	.236(a),(b), .409, .440, .526, .908(b).	NA
+Sodium sulfite solution (25% or less).	C	P	III	NR	Open	Open	NSR	.409, .440, .908(b)	NA
+Sodium tartrates and mono–/di–succinate solution.	D	S	III	NR	Open	Open	A,B	.238(e)	NA
Sodium thiocyanate solution (56% or less).	B	P	III	NR	Open	Open	NSR	.238(a), .409	NA
Styrene *monomer*	B	S/P	III	4m	PV	Open	A, B	.236(b), .409, .912(a)(1), .1002(a), (b), .1004.	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
+Sulfohydrocarbon, long chain (C18+) alkylamine mixture.	B	P	III	NR	Open ...	Open ...	A	.409; (.440, .903, .908(a))[1].	NA
Sulfur (molten)	III	S	III	NR	Open ...	Open ...	NSR	.252, .440, .526, .545	I–C
Sulfuric acid	C	S/P	III	NR	Open ...	Open ...	NSR	.440, .554, .555, .556, .602, .908 (a), (b), .933, .1000, .1045, .1046, .1052.	I–B
Tall oil *(crude and distilled)*	B	P	III	NR	Open ...	Open ...	A	.409, .440, .488, .908(a), (b).	NA
Tall oil, fatty acid *(resin acids less than 20%).*	C	P	III	NR	Open ...	Open ...	A	.440, .908(a), (b)	NA
+Tall oil fatty acid, barium salt	B	S/P	III	NR	Open ...	Open ...	A	.409, .440, .908(a)	NA
Tall oil soap (disproportionated) solution.	B	P	III	NR	Open ...	Open ...	A	.409, .440, .908(a), (b).	NA
1,1,2,2-Tetrachloroethane	B	S/P	III	B/3	PV	Restr	NSR	.316, .409, .525, .526, .1020.	NA
Tetradecylbenzene	[C]	P	III	NR	Open ...	Open ...	A	.440, .908(b)	I–D
Tetraethylenepentamine[3]	D	S	III	NR	Open ...	Open ...	A	.236(b), (c), (g)	I–C
Tetrahydrofuran	D	S	III	4m	PV	Restr	A, D	.526, .912(a)(2), .1004.	I–C
Tetrahydronaphthalene	C	P	III	NR	Open ...	Open ...	A	None	I–D
1,2,3,5-Tetramethylbenzene	C	P	III	NR	Open ...	Open ...	A	None	I–D
Toluene	C	P	III	4m	PV	Restr	A	.409	I–D
Toluenediamine	C	S/P	II	B/3	PV	Closed .	A, B, C, D	.236(a), (b), (c), (g), .316, .408, .440, .525, .526, .527, .908(a), (b), .933, .1020.	NA
Toluene diisocyanate[6]	C	S/P	II	4m	PV	Closed .	A, C[6], D	.236(b), .316, .408, .440, .500, .501, .525, .526, .527, .602, .908(b), .1000, .1020.	I–D
o-Toluidine	C	S/P	II	B/3	PV	Closed .	A, C	.316, .408, .525, .526, .933, .1020.	I–D
Tributyl phosphate	B	P	III	NR	Open ...	Open ...	A	.409	I–D
1,2,4-Trichlorobenzene	B	S/P	II	4m	PV	Restr	A, B, C	.409, .440, .526, .908(b).	I–D
•1,1,1-Trichloroethane	C	P	III	NR	Open ...	Open ...	A	.409	I–D
•1,1,2-Trichloroethane	C	S/P	III	B/3	PV	Restr	NSR	.409, .525, .526, .933, .1020.	I–D
•Trichloroethylene	C	S/P	III	B/3	PV	Restr	NSR	.316, .409, .525, .526, .1020.	I–D
•1,2,3-Trichloropropane	C	S/P	II	B/3	PV	Closed .	A, B, C, D	.316, .408, .525, .526, .933, .1020.	I–D
1,1,2-Trichloro-1,2,2-trifluoroethane	C	P	III	NR	Open ...	Open ...	NSR	None	NA
Tricresyl phosphate (less than 1% of the ortho isomer).	A	P	II	NR	Open ...	Open ...	A	.409	I–D
Tricresyl phospnate (1% or more of the ortho isomer).	A	S/P	I	4m	PV	Closed .	A, B	.408, .525(a), (c), (d), (e), .1020.	I–D
Tridecylbenzene	[C]	P	III	NR	Open ...	Open ...	NSR	.440, .908(b)	I–D
Triethanolamine	D	S	III	NR	Open ...	Open ...	A	.236(a), (b), (c), (g)	I–C
Triethylamine	C	S/P	II	B/3	PV	Restr	A, B, C	.236(b), (c), .525, .526, .527, .1020.	I–C
Triethylbenzene	A	P	II	NR	Open ...	Open ...	A	.409	I–D
Triethylene glycol di-(2-ethylbutyrate).	[C]	P	III	NR	Open ...	Open ...	A	None	I–C
Triethylenetetramine	D	S	III	NR	Open ...	Open ...	A	.236(a), (b), (c)	I–C
Triethyl phosphite	#	S	III	B/3	PV	Restr	A, B, D	.526	NA
+Trifluralin in Xylene	[A]	S/P	II	4m	PV	Restr	A,B	.409, .526	I–D
+Trilsopropylated phenyl phosphates	A	P	II	NR	Open ...	Open ...	A	.409	NA
Trimethylacetic acid	D	S	III	4m	PV	Restr	A, C	.238(a), .266, .554	I–D

TABLE 1—SUMMARY OF MINIMUM REQUIREMENTS—Continued

Cargo name	IMO Annex II pollution category	Haz.	Cargo containment system	Vent height	Vent	Gauge	Fire protection system	Special requirements in 46 CFR Part 153	Electrical hazard class and group
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.
+Trimethylamine solution (30% or less).	C	S/P	II	B/3	PV	Closed	A,C	.236(a),(b),(c),(g), .316, .372, .408, .440, .525, .526, .527, .908(b), .1020.	I–C
•Trimethylbenzene (all isomers)	B	P	III	4m	PV	Restr	A	.409	I–D
Trimethylhexamethylenediamine (2,2,4- and 2,4,4- isomers).	D	S	III	NR	Open	Open	A, C	,236 (a), (b), (c), (g), .409.	NA
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4- isomers)[6].	B	S/P	II	B/3	PV	Closed	A, C[6]	.316, .409, .500, .501, .525, .526, .602, .1000, .1020.	NA
2,2,4-Trimethyl-1,3-pentanediol-1-isobutyrate.	C	P	III	NR	Open	Open	A	None	I–D
Trimethyl phosphite	B	S	III	4m	PV	Restr	A, D	.409, .526, .602, .1000.	I–D
+1,3,5–Trioxane	D	S	III	4m	PV	Restr	A,D	.409	I–C
Trixylenyl phosphate	A	P	I	NR	Open	Open	A	.408	NA
Trixylyl phosphate, *see* Trixylenyl phosphate.									
Turpentine	B	P	III	4m	PV	Restr	A	.409	I–D
Undecanoic acid	C	P	III	NR	Open	Open	A	.440, .903, .908(a), (b).	NA
1-Undecene	B	P	III	NR	Open	Open	A	.409	I–D
Undecyl alcohol	B	P	III	NR	Open	Open	A	.440, .908(b)	I–D
Undecylbenzene	[C]	P	III	NR	Open	Open	A	None	I–D
Urea, Ammonium nitrate solution (containing more than 2% NH_3).	C	S/P	III	4m	PV	Restr	A	.236(b), .526	I–D
iso-Valeraldehyde	C	S/P	III	4m	PV	Restr	A	.500, .526	I–C
n-Valeraldehyde	D	S	III	4m	PV	Restr	A	.500, .526	I–C
Vinyl acetate	C	S/P	III	4m	PV	Open	A	.912(a)(1), .1002 (a), (b), .1004.	I–D
Vinyl ethyl ether	C	S/P	II	4m	PV	Closed	A	.236(b), (d), (f), (g), .252, .372, .408, .440, .500, .515, .526, .527, .912(a)(1), .1002 (a), (b), .1004.	I–C
•Vinylidene chloride	D	S	II	4m	PV	Restr	B	.236 (a), (b), .372, .409, .440, .550, .526, .527, .912(a)(1), .1002 (a), (b), .1004.	I–D
Vinyl neodecanate	B	S/P	III	NR	Open	Open	A, B	.409, .912(a)(1), .1002 (a), (b), .1004.	NA
Vinyltoluene	A	S/P	III	4m	PV	Restr	A, B, D	.236 (a), (b), (c), (g), .409, .912(a)(1), .1002(a), (b), .1004.	I–D
White spirit (low (15–20%) aromatic)	B	P	II	4m	PV	Restr	A	.409	NA
Xylenes[8] *(ortho-, meta-, para-)*	C	P	III	4m	PV	Restr	A	.409, .440, .908(b)[8]	I–D
Xylenol	B	S/P	III	NR	Open	Open	A, B	.409, .440, .908(a), (b).	NA
+Zinc alkaryl dithiophosphate (C7–C16).	C	P	III	NR	Open	Open	A	(.440, .903, .908(a))[1]	NA
+Zinc alkyl dithiophosphate (C3–C14).	B	P	III	NR	Open	Open	A	.409; (.440, .903, .908(a))[1].	NA

+ denotes newly added products.
Items with a bullet (•) or in **boldface** are changes per CGD 92-100.

Column Heading Footnotes:

a. The cargo name must be as it appears in this column (see 153.900, 153.907). Words in italics are not part of the cargo name but may be used in addition to the cargo name. When one entry references another entry by use of the word "*see*", and both names are in roman type, either name may be used as the cargo name (e.g., Diethyl ether, *see* Ethyl ether). However, the referenced entry is preferred.

b. This column lists the IMO Annex II Pollution Category.
A, B, C, D—NLS Category of Annex II of MARPOL 73/78.
III—Appendix III of Annex II (non-NLS cargoes) of MARPOL 73/78.

#—No determination of NLS status. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

[ ]—A NLS category in brackets indicates that the product is provisionally categorized and that further data are necessary to complete the evaluation of its pollution hazards. Until the hazard evaluation is completed, the pollution category assigned is used.

❷—The NLS category has been assigned by the U.S. Coast Guard, in absence of one assigned by the IMO. The category is based upon a GESAMP Hazard Profile or by analogy to a closely related product having an NLS assigned.

c. This column lists the hazard(s) of the commodity:

S—The commodity is included because of its safety hazards.
P—The commodity is included because of its pollution hazards.
S/P—The commodity is included because of both its safety and pollution hazards.

d. This column lists the type of containment system the cargo must have (see 153.230 through 153.232).
e. This column lists the height of any vent riser required (see 153.350 and 153.351).
f. This column lists any vent control valve required (see 153.355).
g. This column lists the type of gauging system required (see 153.400 through 153.406).

h. This column lists the type of fire protection system required. Where more than one system is listed, any listed system may be used. A dry chemical system may not be substituted for either type of foam system unless the dry chemical system is listed as an alternative or the substitution is approved by Commandant (G-MTH) (see 153.460). The types are as follows:

A is a foam system for water soluble cargoes (polar solvent foam).
B is a foam system for water insoluble cargoes (non-polar solvent foam).
C is a water spray system.
D is a dry chemical system.
NSR means there is no special requirement applying to fire protection systems.

i. This column lists sections that apply to the cargo in addition to the general requirements of this part. The 153 Part number is omitted.

j. This column lists the electrical hazard class and group used for the cargo when determining requirements for electrical equipment under Subchapter J (Electrical Engineering) of this chapter.

A number of electrical hazard class and group assignments are based upon that which appears in "Classification of Gases, Liquids and Volatile Solids Relative to Explosion-Proof Electrical Equipment", Publication NMAB 353-5, National Academy Press, 1982, when not appearing in NFPA 497M, "Manual for Classification of Gases, Liquids and Dusts for Electrical Equipment in Hazardous Classified Locations."

The I-B electrical hazard does not apply to weather deck locations (see 46 CFR Part 111) for organic acids: Chlorosulfonic acid; Hydrochloric acid; Nitrating acid; Nitric acid (70% or less); Oleum; Phosphoric acid; Sulfuric acid.

Abbreviations used in the Table:

NR—No requirement.
NA—Not applicable.

Abbreviations for Noxious Liquid cargoes:

N.F.—non-flammable (flash point greater than 60 deg C (140 deg F) closed cup (cc)).
F.—flammable (flash point less than or equal to 60 deg C (140 deg F) closed cup (cc)).
n.o.s.—not otherwise specified.
ST—Ship type.
Cat—Pollution category.

Footnotes for Specific Cargoes:

1. Special applicability:

153.440 and .908(a) apply to the chemical, and mixtures containing the chemical, with a viscosity of 25 mPa.s at 20 deg C (68 deg F).
153.440 and .908(b) apply to the chemical, and mixtures containing the chemical, with a melting point of 0 deg C (32 deg F) and above.
153.488 applies to the chemical, and mixtures containing the chemical, with a melting point of 15 deg C (59 deg F) and above.

2. Benzene containing cargoes.

Applies to mixtures containing no other components with safety hazards and where the pollution category is C or less.

3. Diammonium salt of Zinc ethylenediaminetetraacetic acid solution; Tetraethylenepentamine.

Aluminum is a questionable material of construction with this cargo since pitting and corrosion has been reported. The IMO Chemical Code prohibits aluminum as a material of construction for this cargo.

4. 2,4-Dichlorophenol.

Some tank pitting has been reported when this cargo is contaminated with water, including moisture in the air. The IMO Chemical Code requires that the vapor space over this cargo be kept dry.

5. Dinitrotoluene.

Dinitrotoluene should not be carried in deck tanks.

6. Diphenylmethane diisocyanate; Isophorone diisocyanate; Polymethylene polyphenyl isocyanate; Toluene diisocyanate; Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4- isomers).

Water is effective in extinguishing open air fires but will generate hazardous quantities of gas if put on the cargo in enclosed spaces.

7. Maleic anhydride; 1- or 2-Nitropropane; Nitropropane (60%), Nitroethane (40%) mixture.

Dry chemical extinguishers should not be used on fires involving these cargoes since some dry chemicals may react with the cargo and cause an explosion.

8. Xylenes.

Special requirement .908(b) only applies to the para- (p-) isomer, and mixtures containing the para- isomer having a melting point of 0 deg C (32 deg F) or more.

* * * * *

Table 2 [Revised]

37. Table 2 is revised to read as follows:

* * * * *

Cargoes	Pollution Category
2-Amino-2-hydroxymethyl-1,3-propanediol solution.	III
•Ammonium hydrogen phosphate solution.	D
Ammonium nitrate solution (45% or less).	D
•Ammonium nitrate, Urea solution (2% or less NH_3), *see also* **Urea, Ammonium nitrate solution (2% or less NH_3).**	D
Ammonium phosphate solution	II
•Ammonium phosphate, Urea solution, *see also* **Urea, Ammonium phosphate solution.**	D
•Ammonium polyphosphate solution.	D
Ammonium sulfate solution (20% or less).	D
Apple juice	III
Calcium bromide solution	III
Calcium carbonate slurry	III
Calcium chloride solution	III
Calcium hydroxide slurry	D
Calcium nitrate, Magnesium nitrate, Potassium chloride solution.	III
Chlorinated paraffins (C14–C17) (with 52% Chlorine).	III
2-Chloro-4-ethylamino-6-isopropylamino-5-triazine solution.	II
Choline chloride solution	D
Clay slurry	III
Coal slurry	III
Dextrose solution	III
Diethylenetriamine pentaacetic acid, pentasodium salt solution.	III
1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution.	D
Dodecenylsuccinic acid, dipotassium salt solution.	D
Drilling brine (containing Calcium, Potassium, or Sodium salts).	III
•Drilling brine (containing Zinc salts).	B
Drilling mud (low toxicity) *(if non-flammable and non-combustible).*	[III]
Ethylenediaminetetraacetic acid, tetrasodium salt solution.	D
Ethylene-Vinyl acetate copolymer *(emulsion).*	III
Ferric hydroxyethylethylenediamine triacetic acid, trisodium salt solution.	D
•Fish solubles *(water based fish meal extracts).*	III
Fructose solution	II
Glucose solution	III
Glycine, sodium salt solution	III
•Hexamethylenediamine adipate solution.	D
N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution.	D
Kaolin clay solution	III
Kaolin slurry	III
Kraft pulping liquor (free alkali content, 1% or less) *including: Black, Green, or White liquor.*	II
Lignin liquor (free alkali content, 1% or less) *including:.*	II
Calcium lignosulfonate solution	②III
Sodium lignosulfonate solution	②III
Lignin sulfonic acid, sodium salt solution.	III
Magnesium chloride solution	III
Magnesium hydroxide slurry	III
Milk	III
Molasses	III
Molasses residue *(from fermentation).*	[III]
+Naphthenic acid, sodium salt solution.	A
+Noxious liquid, N.F., (1) n.o.s. ("trade name" contains "principle components") ST 1, Cat A *(if non-flammable or non-combustible).*	A
+Noxious liquid, N.F., (3) n.o.s. ("trade name" contains "principle components") ST 2, Cat A *(if non-flammable or non-combustible).*	A
+Noxious liquid, N.F., (5) n.o.s. ("trade name" contains "principle components") ST 2, Cat B *(if non-flammable or non-combustible).*	B
+Noxious liquid, N.F., (6) n.o.s. ("trade name" contains "principle components") ST 2, Cat B, mp. equal to or greater than 15 deg. C *(if non-flammable or non-combustible).*	B
+Noxious liquid, N.F., (9) n.o.s. ("trade name" contains "principle components") ST 3, Cat A *(if non-flammable or non-combustible).*	A
+Noxious liquid, N.F., (11) n.o.s. ("trade name" contains "principle components") ST 3, Cat B *(if non-flammable or non-combustible).*	B
+Noxious liquid, N.F., (12) n.o.s. ("trade name" contains "principle components") ST 3, Cat B, mp. equal to or greater than 15 deg. C *(if non-flammable or non-combustible).*	B
+Noxious liquid, N.F., (15) n.o.s. ("trade name" contains "principle components") ST 3, Cat C *(if non-flammable or non-combustible).*	C
Noxious liquid, n.o.s. (17) ("trade name," contains "principal components"), Category D *(if non-flammable or non-combustible).*	D
Non-noxious liquid, n.o.s. (18) ("trade name," contains "principal components"), Appendix III *(if non-flammable or non-combustible).*	III
Pentasodium salt of Diethylenetriamine pentaacetic acid solution, *see* Diethylenetriamine pentaacetic acid, pentasodium salt solution.	III
Polyaluminum chloride solution	III
Sewage sludge, treated *(treated so as to pose no additional decompositional and fire hazard; stable, non-corrosive, non-toxic, non-flammable).*	II
Silica slurry	[III]
Sludge, treated *(treated so as to pose no additional decompositional and fire hazard; stable, non-corrosive, non-toxic, non-flammable).*	II
Sodium aluminosilicate slurry	III
Sodium carbonate solution	D
Sodium naphthenate solution (free alkali content, 3% or less), *see* Naphthenic acid, sodium salt solution.	A
•Sodium poly(4+)acrylate solution	III
•Sodium silicate solution	C
•Sodium sulfate solution	III
Sorbitol solution	III
Tetrasodium salt of Ethylenediaminetetraacetic acid solution, *see* Ethylenediaminetetraacetic acid, tetrasodium salt solution.	D
1,1,1-Trichloroethane	B
1,1,2-Trichloro-1,2,2-trifluoroethane	C
Trisodium salt of N-(Hydroxyethyl)-ethylenediaminetriacetic acid solution, *see* N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution.	D
Urea, Ammonium mono- and di-hydrogen phosphate, Potassium chloride solution.	D
•Urea, Ammonium nitrate solution (2% or less NH_3), *see also* Ammonium nitrate, Urea solution (2% or less).	D
•Urea, Ammonium phosphate solution, *see also* Ammonium phosphate, Urea solution.	D
Urea solution	III
Vanillan black liquor (free alkali content, 1% or less).	II
Vegetable protein solution *(hydrolysed).*	III
Water	III
•*Zinc bromide, Calcium bromide solution, see* Drilling brine (containing Zinc salts).	

+ denotes newly added products.

Items with a bullet (•) or in **boldface** are changes per CGD 92-100.

Explanation of Symbols: As used in this table, the following stand for:

A, B, C, D—NLS Category of Annex II of MARPOL 73/78.

I—Considered an "oil" under Annex I of MARPOL 73/78.

III—Appendix III of Annex II (non-NLS cargoes) of MARPOL 73/78.

LFG—Liquefied flammable gas.

#—No determination of NLS status. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

[ ]—A NLS category in brackets indicates that the product is provisionally categorized and that further data are necessary to complete the evaluation of its pollution hazards. Until the hazard evaluation is completed, the pollution category assigned is used.

●The NLS category has been assigned by the U.S. Coast Guard, in absence of one assigned by the IMO. The category is based upon a GESAMP Hazard Profile or by analogy to a closely related product having an NLS assigned.

Abbreviations for Noxious liquid Cargoes:

N.F.—non-flammable (flash point greater than 60 degrees C (140 degrees F) cc).
n.o.s.—not otherwise specified.
ST—Ship type.
Cat—Pollution category.

* * * * *

Appendix III [Redesignated]

38. Appendix III is redesignated as Appendix II.

Dated: May 13, 1993.

A.E. Henn,

Rear Admiral, Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

APPENDIX I

Note.—The following appendix will not appear in the Code of Federal Regulations.

Summary: The information contained in this appendix is for informational purposes only. The table below lists "upgrades" to current entries in the IMO Chemical Codes and Coast Guard tables and lists. This table was prepared from documents from the following BCH meetings: BCH 19 (September 11–15, 1989). BCH 20 (October 1–5, 1990), BCH 21 (September 9–13, 1991) and BCH 22 (September 7–11, 1992). These and any other "upgrades" will be proposed in future rulemakings.

"Upgrades" to current entries in the various tables consist of increased carriage requirements or revised, higher Pol. Cat.'s. The Coast Guard does not consider a change in Pol. Cat. from a provisional, i.e., one having square brackets "[ ]" around it, to a final Pol. Cat. as an "upgrade" or "downgrade". It is considered a final assignment and takes effect immediately upon IMO's removal of provisional status.

All "upgrades" as are currently known are addressed in this appendix.

Cargo Name		Pollution Category		Comments
Current	Proposed	Current	Proposed	
n-Butyl butyrate	Butyl butyrate (all isomers)	C	B	
(iso-, n-) Butyl acetate	Butyl acetate (all isomers)	No change	No change	
sec-Butyl acetate	Butyl acetate (all isomers)	D	C	46 CFR 30, Table 30.25-1.
iso-Butyl acrylate	Butyl acrylate (all isomers)	Not applicable	Not applicable	46 CFR 151, Table 151.05.
n-Butyl acrylate	Butyl acrylate (all isomers)	Not applicable	Not applicable	46 CFR 151, Table 151.05.
(iso-, n-) Butyl acrylate	Butyl acrylate (all isomers)	D	B	46 CFR 153, Table 1.
Calcium hypochlorite solution (15% or less).	No change	No change	No change	46 CFR 153, Table 1: Change in materials of construction.
Calcium hypochlorite solution (more than 15%).	No change	No change	No change	46 CFR 153, Table 1: Change in materials of construction.
Crotonaldehyde	No change	B	A	
Cumene	Propylbenzene (all isomers)	B	A	
2,4-Dichlorophenoxyacetic acid, dimethylamine salt solution.	No change	No change	No change	46 CFR 153, Table 1: Materials of construction requirement.
2,4-Dichlorophenoxyacetic acid, triisopropanolamine salt solution.	No change	No change	No change	46 CFR 153, Table 1: Materials of construction requirement.
Diethanolamine	No change	III	D	
Diethylbenzene	No change	C	A	46 CFR 153, Table 1: Type III to II Cargo containment system.
Diethylene glycol	No change	III	D	
Diethylene glycol butyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	III	D	
Diethylene glycol ethyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	III	D	
Dinitrotoluene (molten)	No change	B	A	46 CFR 153, Table 1: Additional requirements.
Dodecyl diphenyl ether disulfonate solution.	No change	B	A	46 CFR 153, Table 1: Reduced requirements.
Drilling brine (containing Calcium, Potassium, or Sodium salts).	1. Drilling brine (containing Calcium or Sodium salts).	No change	No change	46 CFR 153, Table 2.
	2. Potassium chloride solution (10% or more).	III	C	46 CFR 153, Tables 1 and 2.
Epichlorohydrin	No change	C	A	
2-Ethoxyethanol	Ethylene glycol monoalkyl ethers	No change	No change	46 CFR 30, Table 30.25-1: Delete from table (health safety hazards).
Ethylbenzene	No change	C	B	
Ethylene glycol butyl ether	Ethylene glycol monoalkyl ethers	III	D	46 CFR 30, Table 30.25-1: Delete from table (health safety hazards).
Ethylene glycol tert-butyl ether	Ethylene glycol monoalkyl ethers	III	D	46 CFR 30, Table 30.25-1· Delete from table (health safety hazards).
Ethylene glycol ethyl ether	Ethylene glycol monoalkyl ethers	No change	No change	46 CFR 30, Table 30.25-1: Delete from table (health safety hazards).

Cargo Name		Pollution Category		Comments
Current	Proposed	Current	Proposed	
Ethylene glycol isopropyl ether	Ethylene glycol monoalkyl ethers	No change	No change	46 CFR 30, Table 30.25-1: Delete from table (health safety hazards).
Ethylene glycol methyl ether	Ethylene glycol monoalkyl ethers	No change	No change	46 CFR 30, Table 30.25-1: Delete from table (health safety hazards).
Ethylene glycol methyl ether acetate	No change	D	C	46 CFR 30, Table 30.25-1: Delete from table (health safety hazards).
Ethylene oxide (30% or less), Propylene oxide mixture.	No change	D	C	
2-Ethyl-3-propylacrolein	No change	II	A	46 CFR 153, Table 1: Reduced requirements.
Metam sodium solution	No change	No change	No change	46 CFR 153, Table 1: Type III to II Cargo containment system
Methyl alcohol	No change	III	D	
Motor fuel anti-knock compounds (containing lead alkyls).	No change	No change	No change	46 CFR 153, Table 1: Type II to I Cargo containment system.
(o-,p-)Nitrotoluene	No change	C	(B)	
Octyl acetate	No change	D	C	46 CFR 153, Table 1: Add to table.
Pentane (all isomers)	No change	No change	No change	46 CFR 153, Table 1: Additional requirement.
Pentane (all isomers)	No change	No change	No change	46 CFR 153, Table 1: Additional requirement.
Perchloroethylene	No change	No change	No change	46 CFR 153, Table 1: Vent height, 4m to B/3; additional requirement.
Pinene	1. alpha-Pinene	B	A	
	2. beta-Pinene	B	B	
Polypropylene glycol methyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	III	D	
iso-Propylbenzene	Propylbenzene (all isomers)	B	A	
n-Propylbenzene	Propylbenzene (all isomers)	C	A	
Propylene oxide	No change	D	C	
Sodium hydrogen sulfide (6% or less), Sodium carbonate (3% or less) solution.	No change	No change	No change	46 CFR 153, Table 1: Additional requirement.
Sodium silicate solution	No change	D	C	46 CFR 153, Table 1: Add to table.
1,2,3,5-Tetramethylbenzene	Tetramethylbenzene (all isomers)	C	A	46 CFR 153, Table 1: Type III to II Cargo containment system; additional requirements.
Tridecanoic acid	No change	III	B	
Triethylene glycol butyl ether	Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.	III	D	
Trimethylbenzene (all isomers)	No change	B	A	
Undecanoic acid	No change	C	B	
iso-Valeraldehyde	Valeraldehyde (all isomers)	No change	No change	46 CFR 153, Table 1.
n-Valeraldehyde	Valeraldehyde (all isomers)	D	C	46 CFR 153, Table 1.
Valeraldehyde (iso-, n-)	Valeraldehyde (all isomers)	Not applicable	Not applicable	46 CFR 151, Table 151.05.

These, and any future "upgrades" will be proposed for inclusion in the various Coast Guard tables and lists to coincide with IMO's publication of the amendments to the Codes.

At this time, the amendments are scheduled for implementation on 1 July 1994.

[FR Doc. 93-11858 Filed 5-21-93; 8:45 am]

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federal register

Monday
May 24, 1993

Part IV

Department of Transportation

Coast Guard

33 CFR Part 151

Noxious Liquid Substances Lists; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[CGD 92-100a]

RIN 2115-AC35

Noxious Liquid Substances Lists

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its Noxious Liquid Substances (NLSs) regulations to include substances recently authorized for carriage by the Coast Guard or added to the International Maritime Organization's (IMO) Chemical Codes and by making minor technical and editorial changes and corrections. This action would update the current lists of oil-like and non-oil-like NLSs allowed for carriage.

DATES: Comments must be received on or before July 8, 1993.

ADDRESSES: Comments may be mailed to Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 92-100a), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at Room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis G. Payne, Hazardous Materials Branch, (202) 267-1577.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this proposed rulemaking by submitting written data, views, or arguments. Persons submitting comments, should include their names and addresses, identify this rulemaking (CGD 92-100a) and the specific section of the proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound materials is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. The proposal may be changed in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Mr. Curtis G. Payne, Project Manager, and Ms. Helen G. Boutrous, Project Counsel, Office of Chief Counsel.

Related Rulemaking

Elsewhere in this edition of the Federal Register, the Coast Guard is publishing proposed amendments concerning bulk hazardous materials tables in 46 CFR parts 30, 150, 151, and 153 (CGD 92-100).

Background and Purpose

The Coast Guard is proposing to revise its lists of Category D NLSs and Categories C and D oil-like NLSs by including in these lists new entries proposed to be added to table 30.25-1 of 46 CFR part 30 and tables 1 and 2 of 46 CFR part 153 by a separate rulemaking appearing elsewhere in this edition of the Federal Register (CGD 92-100). These are chemicals recently authorized, or soon to be authorized, by Coast Guard regulations or added to the IMO's Chemical Codes. Other chemical names are modified or deleted in accordance with IMO terminology. This rulemaking is administrative in nature and is intended to update Coast Guard chemical lists in 33 CFR part 151.

Discussion of Proposed Amendments

The objectives of this rulemaking are to:

(a) Amend the NLSs list by adding cargoes included in the IMO Chemical Codes ("International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" (IBC Code), and "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" (BCH Code)), but not yet included in Coast Guard regulations.

(b) Modify names for certain chemicals as part of the Coast Guard's continuing program of adopting IMO terminology where applicable, and aligning usage throughout Coast Guard regulations. They are:

Current	Proposed
Diethylene glycol butyl ether acetate.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetate
Diethylene glycol ethyl ether acetate.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetate
Diethylene glycol methyl ether acetate.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetate
Dipropylene glycol methyl ether.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether
Palm kernel oil, fatty acid.	Palm kernel acid oil
Palm kernel oil, fatty acid methyl ester.	Palm kernel acid oil, methyl ester
Propylene glycol ethyl ether.	Propylene glycol monoalkyl ether
Propylene glycol methyl ether.	Propylene glycol monoalkyl ether
Sodium benzoate solution.	Sodium benzoate *solution*
Triethylene glycol ethyl ether.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether
Triethylene glycol methyl ether.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) 2ether
Tripropylene glycol methyl ether.	Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether

(c)The IMO has revised the Pollution Category (Pol. Cat.) of a number of entries. These changes would be reflected in the tables in title 46 as proposed elsewhere in today's Federal Register (CGD 92–100). They are:

Entry	Current	Proposed
Alkyl(C9–C17) benzenes	D	III
Ammonium hydrogen phosphate solution	[III]	D
Ammonium polyphosphate solution	●D	D
Cyclohexanol	C	D
Fish solubles	[D]	III
N-Methyl-2-pyrrolidone	B	D
Myrcene	[B]	D
Palm kernel acid oil, methyl ester	[C]	[D]
Potassium oleate	[D]	C
Sodium silicate solution	D	III

In the list in § 151.47 where a pollution-only entry has had its Pol. Cat. changed from "D" to a lower or a higher

category, it would be removed from the list. Or, where the Pol. Cat. of a pollution-only entry is changed from another category to "D" it would to be added to the list. Therefore, from the above, ammonium hydrogen phosphate solution, ammonium polyphosphate solution, cyclohexanol, N-methyl-2-pyrrolidone, myrcene and palm kernel acid oil, methyl ester would be added to the list, and fish solubles, potassium oleate and sodium silicate solution would be removed.

Similar action is proposed for the category "D" oil-like list in § 151.49(b). Specifically, "Alkyl(C9-C17) benzenes" (renamed "Alkyl(C9+) benzenes" by another regulatory project) and "Dodecane (all isomers)" would be deleted. The entry "Alkyl(C9-C17) benzenes" (under its new name "Alkyl(C9+) benzenes") has been identified above as having its Pol. Cat. "downgraded" from "D" to "III". The entry "Dodecane (all isomers)", Pol. Cat. "III" has in the past been included in the IMO list, and thus in the Coast Guard's list. This entry has been removed from the IMO list, by Coast Guard action at IMO, and would be removed from § 151.49(b) by this proposed rulemaking.

No similar action is proposed for the category "C" oil-like list in § 151.49(a) as there are no "downgrades" to any entry in that list. However, for informational purposes, two entries have had their Pol. Cats "upgraded" from "C", and thus will be proposed to be removed from that list by a future rulemaking project. They are diethylbenzene (to "A") and ethylbenzene (to "B"). "Upgrades" represent increased carriage requirements or revised, higher Pol. Cat.'s or both.

"Upgrades" to current entries in the various tables in title 46, will be incorporated into the Coast Guard's regulations by future rulemaking projects. Provisional Pol. Cat.'s are indicated in the various tables by brackets "[ ]". These provisional categories are assigned where further data are necessary to complete the evaluation of its pollution hazards. Until the hazard evaluation is completed, the pollution category assigned is used. Thus, the Coast Guard does not consider a change in Pol. Cat. from a provisional, i.e., one having square brackets "[ ]" around it, to a final Pol. Cat. as an "upgrade" or "downgrade". It is considered a final assignment and takes effect immediately.

New entries to the various tables are indicated by a plus sign, "+", preceding the name; changes to existing entries are indicated by a bullet, "•", preceding the name and in boldface type within the table where possible.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation is unnecessary. This rulemaking is administrative in nature and would merely update NLS lists by adding cargoes recently authorized by the Coast Guard or added to the IMO Chemical Codes and by making other non–substantive editorial changes and corrections.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

This proposal in merely administrative in nature. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Because this rulemaking is administrative in nature and would merely update current lists in Coast Guard regulations, there would be no Federalism implications.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, the proposal is categorically excluded from further environmental documentation. This rulemaking is an administrative update of current lists to add chemicals already approved or soon to be approved under Coast Guard regulation or international law and clearly would have no impact on the environment. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 151 as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE AND MUNICIPAL OR COMMERCIAL WASTE

1. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1321(j)(1)(C) and 1903(b); E.O. 1735, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46.

2. Section 151.47 is revised to read as follows:

§ 151.47 Category D NLSs other than oil-like Category D NLSs that may be carried under this part.

The following is a list of Category D NLSs other than Oil-like Category D NLSs that the Coast Guard allows to be carried:

Acetophenone
Acrylonitrile-Styrene copolymer dispersion in Polyether polyol
+iso- & cyclo-Alkane (C10–C11)
+Alkenyl(C11+)amine
+Alkyl(C8+)amine, Alkenyl (C12+) acid ester mixture
+Alkyl dithiothiadiazole (C8–C24)
+Alkyl ester copolymer (C8–C18)
+Alkyl phenol sulfide (C8–C40)
+Ammonium hydrogen phosphate solution
Ammonium nitrate solution (45% or less)
Ammonium nitrate, Urea solution (2% or less NH_3)
Ammonium phosphate, Urea solution
+Ammonium polyphosphate solution
Ammonium sulfate solution (20% or less)
Amyl alcohol (iso-, n-, sec-, primary)
+Animal and Fish oils, n.o.s. (*see also Oil, edible*)
+Animal and Fish acid oils and distillates, n.o.s.
+Aryl polyolefin (C11–C50)
Brake fluid base mixtures
•sec-Butyl acetate
Butylene glycol
iso-Butyl formate
n-Butyl formate
•gamma-Butyrolactone
Calcium hydroxide slurry

+Calcium long chain alkaryl sulfonate (C11–C50)
+Calcium long chain alkyl phenate (C8–C40)
+Calcium long chain alkyl phenate sulfide (C8–C40)
Caprolactam solutions
Choline chloride solution
+Citric acid (70% or less)
+Cyclohexanol
Decahydronaphthalene
Decane
Decylbenzene (n-)
Diacetone alcohol
Dialkyl(C10–C14) benzenes
Dialkyl(C7–C13) phthalates
Diethylene glycol butyl ether acetate
Diethylene glycol dibutyl ether
•Diethylene glycol ethyl ether acetate, *see* **POLY(2–6)ALKYLENE GLYCOL MONOALKYL(C1–C6) ETHER ACETATE**
•Diethylene glycol methyl ether acetate, *see* **POLY(2–6)ALKYLENE GLYCOL MONOALKYL(C1–C6) ETHER ACETATE**
+Diethylene glycol phenyl ether
Diethylene glycol phthalate
Di-(2-ethylhexyl)adipate
Di-(2-ethylhexyl)phthalate
1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution
Diisobutyl ketone
Diisodecyl phthalate
Diisononyl adipate
Diisononyl phthalate
2,2-Dimethylpropane-1,3-diol
Dinonyl phthalate
Dipropylene glycol dibenzoate
•Dipropylene glycol methyl ether, *see* **POLY(2–6)ALKYLENE GLYCOL MONOALKYL(C1–C6) ETHER**
Ditridecyl phthalate
Diundecyl phthalate
Dodecenylsuccinic acid, dipotassium salt solution
2-Ethoxyethanol
Ethoxy triglycol *(crude)*
Ethyl acetate
Ethyl acetoacetate
Ethyl butanol
Ethylenediaminetetraacetic acid, tetrasodium salt solution
Ethylene glycol
Ethylene glycol acetate
Ethylene glycol dibutyl ether
Ethylene glycol ethyl ether
Ethylene glycol isopropyl ether
Ethylene glycol methyl butyl ether
Ethylene glycol methyl ether
Ethylene glycol methyl ether acetate
Ethylene glycol phenyl ether
Ethylene glycol phenyl ether, Diethylene glycol phenyl ether mixture
2-Ethylhexanoic acid
Ethyl propionate
Ferric hydroxyethylethylene diamine triacetic acid, trisodium salt solution
Fish solubles
Formamide
+Glycerine (83%), Dioxanedimethanol (17%) mixture
Glyoxal solution (40% or less)
Heptanoic acid
Hexamethylenediamine adipate
Hexamethylenetetramine solutions
Hexanoic acid
Hexanol
N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution
Isophorone
Lactic acid
+Latex (ammonia (1% or less) inhibited)
+Long chain alkaryl sulfonic acid (C16–C60)
+Magnesium long chain alkaryl sulfonate (C11–C50)
+Magnesium long chain alkyl phenate sulfide (C8–C20)
3-Methoxybutyl acetate
Methyl acetoacetate
+Methyl alcohol
Methyl butenol
Methyl butyl ketone
Methyl butynol
Methyl isobutyl ketone
Methyl tert-butyl ether
+Methyl propyl ketone
+N-Methyl-2-pyrrolidone
+Myrcene
Naphthalene sulfonic acid-formaldehyde copolymer, sodium salt solution
Nonanoic acid (all isomers)
Nonanoic, Tridecanoic acid mixture
Nonyl methacrylate
Noxious Liquid Substance, (17) n.o.s.
Octadecenoamide solution
Octanoic acid
Octyl acetate
Oil, edible:
  Babassu
  Beechnut
  Castor
  Cocoa butter
  Coconut
  Cod liver
  Corn
  Cottonseed
  Fish
  Groundnut
  Hazelnut
  Nutmeg butter
  Olive
  Palm
  Palm kernel
  Peanut
  Poppy
  Raisin seed
  Rapeseed
  Rice bran
  Safflower
  Salad
  Sesame
  Soya bean
  Sunflower seed
  Tucum
  Vegetable
  Walnut
Oil, misc:
  Animal, n.o.s.
  Coconut oil, esterified
  Coconut oil, fatty acid methyl ester
  Lanolin
  Linseed
  Neatsfoot
  Oiticica
  Palm oil, fatty acid methyl ester
  Palm oil, methyl ester
  Perilla
  Pilchard
  +Soya bean (epoxidized)
  Sperm
  Tung
  Whale
+Olefin/Alkyl ester copolymer (molecular weight 2000+)
Oleic acid
+Palm kernel acid oil, methyl ester
•Palm kernel oil, fatty acid methyl ester, *see* **PALM KERNEL ACID OIL, METHYL ESTER**
Palm stearin
Pentaethylenehexamine
Pentanoic acid
+Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether
+Poly(2–8)alkylene glycol monoalkyl(C1–C6) ether acetate
Polyalkylene glycols, Polyalkylene glycol monoalkyl ethers mixtures
+*Polyalkyl methacrylate (C1–C20)*
+Polyether (molecular weight 2000+)
Polyethylene glycol monoalkyl ether
+Polyolefin amide alkeneamine (C28+)
+Polyolefin amide alkeneamine borate (C28–C250)
+Polyolefin amide alkeneamine polyol
+Polyolefin anhydride
+Polyolefin ester (C28–C250)
+Polyolefin phenolic amine (C28–C250)
+Polyolefin phosphorosulfide, barium derivative
Polypropylene glycol
Potassium oleate
•n-Propyl acetate
Propylene glycol monoalkyl ether
•Propylene glycol ethyl ether, *see* **PROPYLENE GLYCOL MONOALKYL ETHER**
•Propylene glycol methyl ether, *see* **PROPYLENE GLYCOL MONOALKYL ETHER**
+Propylene glycol methyl ether acetate
+Propylene glycol phenyl ether
Sodium acetate solution
•Sodium benzoate *solution*
Sodium carbonate solution
Sodium silicate solution
+Soybean oil (epoxidized)
+Sulfohydrocarbon (C3–C88)
Tallow
Tallow fatty acid
Tetrasodium salt of Ethylenediaminetetraacetic acid solution
•Triethylene glycol ethyl ether, *see* **POLY(2–6)ALKYLENE GLYCOL MONOALKYL(C1–C6) ETHER**
•Triethylene glycol methyl ether, *see* **POLY(2–6)ALKYLENE GLYCOL MONOALKYL(C1–C6) ETHER**
Triethyl phosphate
Trimethylol propane polyethoxylate
•Tripropylene glycol methyl ether, *see* **POLY(2–6)ALKYLENE GLYCOL MONOALKYL(C1–C6) ETHER**
Trisodium salt of N-(Hydroxyethyl)-ethylenediamine triacetic acid solution
Urea, Ammonium mono- and di-hydrogen phosphate, Potassium chloride solution
Urea, Ammonium nitrate solution (2% or less NH_3)
Urea, Ammonium phosphate solution
+Vegetable oils, n.o.s. (*see also Oil, edible)*
+Vegetable acid oils and distillates, n.o.s.
Waxes:
  Candelilla
  Carnauba

+ denotes newly added products.
Items with a bullet (•) or in **BOLDFACE** are changes per CGD 92-100a.

§ 151.49 [Amended]

3. In § 151.49(a), remove the word "Cylclohexane" and add, in its place, the word "Cyclohexane"; remove the word "2-Methyl-1-pentene" and add, in its place the words "2-Methyl-1-pentene, *see* Hexene (all isomers)"; remove the words "(all isomers" of the entry "Pentene (all isomers" and add in their place the words "(all isomers)"; and remove the word "Toulene" and add, in its place the word "Toluene".

4. In § 151.49(a), the following new entries are added in chemically proper alphabetized order:

* * * * *

Aviation alkylates
Cycloheptane
Cyclopentane
Hexane (all isomers)
Isopropylcyclohexane
Methyl cyclohexane
Olefin mixtures (C5-C7)
iso-Propylcyclohexane

* * * * *

§ 151.49 [Amended]

5. In § 151.49(b), remove the entries "Alkyl(C9-C17) benzenes" and "Dodecane (all isomers)".

Dated: April 20, 1993.

A.E. Henn,

Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 93–11857 Filed 5–21–93; 8:45 am]

BILLING CODE 4910-14-P

federal register

Monday
May 24, 1993

Part V

Environmental Protection Agency

40 CFR Part 721
Significant New Uses of Certain Chemical Substances; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50609; FRL-4179-4]

Significant New Use Rule; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document redesignates 40 CFR part 721, subpart E. This redesignation has been made to allow for a more orderly and symmetrical development of regulations under 40 CFR part 721. The new designations will allow space for future growth as Significant New Use Rules are published.

EFFECTIVE DATE: This document is effective May 24, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Electronic Availability: This document is available as an electronic file on *The Federal Bulletin Board* at 9 a.m. the day of publication in the **Federal Register.** For the convenience of the reader, EPA has prepared an updated version of 40 CFR part 721, subpart E to accompany this document. The updated files are also available at 9 a.m. the day of publication. By modem dial (202) 512-3187 or call (202) 512-1530 for disks or paper copies. This file is available in PostScript, WordPerfect 5.1, and ASCII.

There are no substantive or language changes. Because these are nonsubstantive changes, notice and public comment are not required. A redesignation table has been included for the convenience of the user.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 5, 1993.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. The following sections in subpart E, and all corresponding references to these sections in 40 CFR chapter I, are redesignated as shown in the table.

Old section	New section
721.224	721.225
721.235	721.275
721.263	721.530
721.264	721.6520
721.266	721.6600
721.270	721.520
721.273	721.415
721.275	721.6720
721.278	721.460
721.285	721.325
721.287	721.4620
721.289	721.3040
721.290	721.3060
721.291	721.9700
721.293	721.6180
721.295	721.9220
721.296	721.540
721.305	721.5820
721.315	721.5840
721.350	721.650
721.377	721.2920
721.400	721.2380
721.425	721.3380
721.435	721.750
721.440	721.875
721.445	721.950
721.450	721.925
721.454	721.550
721.460	721.1000
721.462	721.1025
721.464	721.1225
721.466	721.1350
721.467	721.1175
721.490	721.1550
721.500	721.1600
721.520	721.1150
721.523	721.775
721.550	721.1500
721.555	721.1450
721.557	721.1525
721.564	721.1575
721.566	721.4640
721.567	721.1675
721.570	721.2940
721.575	721.1725
721.580	721.1735
721.586	721.1765
721.600	721.1790
721.605	721.6900
721.607	721.6880
721.609	721.1825
721.611	721.1850
721.612	721.5960
721.617	721.1875
721.648	721.3160
721.660	721.1900
721.740	721.2000
721.756	721.6960
721.759	721.6940
721.760	721.4360
721.767	721.2050
721.783	721.2340
721.792	721.625
721.800	721.3000
721.818	721.6980
721.821	721.2460
721.850	721.1300
721.853	721.2560
721.880	721.7020
721.950	721.2600
721.953	721.2625
721.956	721.6840
721.960	721.2650
721.975	721.2725
721.976	721.2675
721.977	721.490
721.978	721.2825
721.979	721.2900
721.980	721.2860
721.983	721.2880
721.990	721.4800
721.1005	721.3140
721.1007	721.3200
721.1025	721.3320
721.1027	721.3520
721.1028	721.7400
721.1029	721.3420
721.1030	721.3460
721.1032	721.3500
721.1033	721.3540
721.1036	721.4020
721.1040	721.3625
721.1045	721.3640
721.1054	721.2800
721.1064	721.7040
721.1078	721.3440
721.1082	721.3580
721.1100	721.3860
721.1105	721.4040
721.1125	721.575
721.1130	721.505
721.1137	721.5400
721.1140	721.4100
721.1143	721.6760
721.1150	721.4140
721.1175	721.4160
721.1200	721.4180
721.1204	721.4220
721.1208	721.4240
721.1232	721.4270
721.1233	721.4280
721.1234	721.4300
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721.1250	721.4500
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721.1265	721.4680
721.1272	721.4700
721.1282	721.9360
721.1285	721.4780
721.1287	721.4790
721.1290	721.7180
721.1296	721.4820
721.1298	721.4880
721.1300	721.4925
721.1375	721.2075
721.1390	721.7140
721.1395	721.700
721.1425	721.5860
721.1454	721.390

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721.1456	721.3870
721.1460	721.5225
721.1465	721.5275
721.1470	721.5325
721.1475	721.5350
721.1477	721.1375
721.1478	721.1700
721.1483	721.1775
721.1488	721.5375
721.1489	721.9870
721.1490	721.5500
721.1491	721.5550
721.1495	721.7160
721.1497	721.3740
721.1500	721.9320
721.1502	721.5575
721.1504	721.5600
721.1515	721.1425
721.1525	721.3220
721.1537	721.5740
721.1538	721.5780
721.1540	721.5760
721.1541	721.5800
721.1542	721.5900
721.1544	721.5880
721.1560	721.3020
721.1565	721.4200
721.1582	721.5980
721.1585	721.3080
721.1590	721.3900
721.1600	721.6020
721.1608	721.6080
721.1610	721.6100
721.1611	721.6120
721.1612	721.6740
721.1614	721.7420
721.1616	721.7440
721.1617	721.400
721.1619	721.9630
721.1620	721.6480
721.1622	721.6500
721.1624	721.6580
721.1630	721.6660
721.1632	721.6680
721.1634	721.6700
721.1638	721.6760
721.1641	721.7080
721.1643	721.7100
721.1646	721.7260
721.1648	721.7340
721.1700	721.7660
721.1702	721.7680
721.1704	721.7780
721.1706	721.7720
721.1708	721.7700
721.1710	721.7460
721.1711	721.7480
721.1712	721.7500
721.1715	721.7560
721.1725	721.7540
721.1740	721.7580
721.1750	721.8100
721.1760	721.7600
721.1763	721.7620
721.1778	721.7740
721.1780	721.7760
721.1790	721.8075
721.1795	721.7280
721.1796	721.8225
721.1797	721.7300
721.1798	721.7320
721.1805	721.8275
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721.1814	721.8325
721.1815	721.8350
721.1816	721.8400
721.1817	721.8450
721.1818	721.8475
721.1822	721.8500
721.1824	721.8525
721.1828	721.8550
721.1830	721.8575
721.1832	721.8600
721.1835	721.8675
721.1840	721.8750
721.1845	721.8775
721.1858	721.8700
721.1875	721.8825
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721.1883	721.8875
721.1886	721.8900
721.1887	721.2750
721.1888	721.7220
721.1889	721.9480
721.1895	721.9500
721.1896	721.9530
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721.2094	721.1925
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721.2150	721.2275
721.2155	721.1800
721.2180	721.4340
721.2184	721.9675
721.2188	721.9780
721.2192	721.9720
721.2194	721.9760
721.2196	721.9800
721.2198	721.4840
721.2200	721.6000
721.2480	721.9900
721.2490	721.9920
721.2500	721.6440
721.2550	721.9930
721.2555	721.9940
721.2585	721.600
721.6625	721.5625

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LIST OF PUBLIC LAWS

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-019-00001-1)	$15.00	Jan. 1, 1993
3 (1992 Compilation and Parts 100 and 101)	(869-019-00002-0)	17.00	[1] Jan. 1, 1993
4	(869-019-00003-8)	5.50	Jan. 1, 1993
5 Parts:			
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700-1199	(869-019-00005-4)	17.00	Jan. 1, 1993
1200-End, 6 (6 Reserved)	(869-019-00006-2)	21.00	Jan. 1, 1993
7 Parts:			
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27-45	(869-019-00008-9)	13.00	Jan. 1, 1993
46-51	(869-017-00009-4)	18.00	Jan. 1, 1992
52	(869-019-00010-1)	26.00	Jan. 1, 1993
53-209	(869-019-00011-9)	21.00	Jan. 1, 1993
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400-699	(869-019-00014-3)	17.00	Jan. 1, 1993
700-899	(869-019-00015-1)	21.00	Jan. 1, 1993
900-999	(869-019-00016-0)	33.00	Jan. 1, 1993
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1060-1119	(869-019-00018-6)	13.00	Jan. 1, 1993
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*1940-1949	(869-019-00023-2)	27.00	Jan. 1, 1993
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 30, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

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